

# EXTENSIONS OF REMARKS

## INTRODUCTION OF THE PUBLIC SCHOOL CONSTRUCTION PARTNERSHIP ACT

**HON. E. CLAY SHAW, JR.**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. SHAW. Mr. Speaker, today I am introducing legislation, entitled the Public School Construction Partnership Act, to help our public schools meet the need for school modernization, new classrooms and the repair of old and aging facilities.

In the 22nd Congressional District of Florida, I represent three of the fifteen largest school districts in the country—the Miami-Dade County Public School District is the nation's fourth largest school district, the Broward County School District is the nation's fifth largest, and the Palm Beach County School District is the fifteenth largest. Broward County is also the third fastest growing school district in the nation. Public school children attend classes in 296 elementary, middle and senior high schools in Miami-Dade County, 178 in Broward County, and 137 in Palm Beach County. Many classes are held in temporary classrooms. Many of the buildings are in need of repairs. The student population in the state of Florida is expected to grow 25 percent faster than the overall population. This makes the need for new school construction critical.

Public schools need new ways to raise revenue to meet the problems caused by growth and overcrowding. The financing needs faced by an urban school district may not be of the same nature or scope as those of a rural district. At the same time we need to reduce construction costs and promote school construction efficiencies to ensure that dollars are spent wisely and effectively. This bill is a meaningful step in those directions. Four different approaches to financing new public school construction and repairing older schools are provided for in this legislation.

First, the bill would allow school districts to make use of public-private partnerships in issuing private activity bonds for the construction or improvement of public educational facilities. Private activity bonds can now be issued to finance 12 types of activities such as airports, docks and wharves, qualified residential rental projects, and qualified hazardous waste facilities. It makes sense to be able to issue them for the construction and rehabilitation of public schools.

In order to qualify for the bonds, a private corporation would be required to participate in a public-private partnership with a public school district. Under the bill, a private corporation could build school facilities and lease them to the school district. At the end of the lease term the facilities would revert back to the school district of no additional consideration. Alternatively, a school district could sell their old facilities to such a corporation, which would then refurbish them, and lease the re-

furbished facilities back to the school district. The proceeds from the sale could then be used by the district to build new classrooms. This allows the school district to leverage investment in school facilities without having to borrow by issuing tax-exempt bonds.

The bonds would be exempt from the annual state volume caps on private activity bonds, but would be subject to their own annual per-state caps equal to the greater of \$10 per capita or \$5 million. This would raise more than an additional \$120 million for school construction in the state of Florida. The bill leaves to the states the manner in which the per-state amount is to be allocated.

Second, the bill provides for a 4-year safe harbor for exemption from the arbitrage rules. To prevent state and local governments from issuing tax-exempt bonds and using the proceeds to invest in higher yielding investments to earn investment income (thereby earning arbitrage profits), arbitrage restrictions are placed on the use of tax exempt bonds. In the case of tax-exempt bonds use to finance school construction and renovation, the bond proceeds must be spent at certain rates on construction within 24 months of being issued. The bill would extend the 24-month period to 4 years for school bonds as long as the proceeds were spent at certain rates within this period. It is difficult for school districts to comply with the present 24-month period when funding different projects from a single issuance of bonds. The increase in the time period would give school districts greater flexibility in planning construction projects and more money with which to build and repair schools.

Tax exempt bonds issued by small governments are not subject to the arbitrage restrictions as long as no more than \$10 million of bonds are issued in any year. In order to provide relief to small and rural school districts undertaking school construction and rehabilitation activities, the third approach undertaken by the bill is to raise the exemption to \$15 million as long as at least \$10 million of the bonds were used for public school construction.

Fourth, the bill would permit banks to invest in up to \$25 million of tax exempt bonds issued by school districts for public school construction without disallowance of a deduction for interest expense. Currently, banks are allowed to purchase only \$10 million without being subject to disallowance of interest expense. Banks, traditionally, have been an important purchaser of last resort of tax exempt bonds. Increasing the amount of bonds that can be purchased by banks without penalty will allow school districts to sell their bonds to banks, thereby avoiding having to incur the expense of accessing the capital markets.

This legislation offers an innovative approach to help finance the building and rehabilitation of our public schools, which activity is so vital to improving our education system. The creation of the public/private partnerships would speed up the construction of new public schools that are urgently needed. The bill

gives our school districts the flexibility they need to tailor their financing needs to their individual situations.

This legislation can help our public schools to construct and repair needed facilities to educate our children, and I urge my colleagues to join me in seeking its enactment.

TRIBUTE TO JEANETTE M. MIDDLETON

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to congratulate Jeanette M. Middleton of Nashville who recently received a \$25,000 Milken Educator Award from founder Michael Milken at the recent Milken Family Foundation National Education Conference in Los Angeles, CA. Jeanette is a teacher at Lebanon Grade School where she implemented numerous innovations in the schools resources and ways of teaching.

Among her accomplishments at Lebanon Elementary School are: starting a science fair; incorporating a recycling program into her science classes; using proceeds from recycling to start a Critters in the Classroom Project; helping write a grant application that resulted in a \$65,000 grant to start a computer lab; developing the school web site; and instructing teachers in classroom applications for technology. I am extremely grateful to Jeanette for going the extra mile to see that our children are educated to live, prosper, and grow in to the 21st century.

TRIBUTE TO BOB AND SHIRLEY SHELTON

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize two of Colorado's remarkable citizens, Bob and Shirley Shelton of Eagle, CO. In addition to compiling an unparalleled resume of volunteerism, Mr. and Mrs. Shelton have exemplified the notion of public service and civic duty in the community of Eagle.

Mr. and Mrs. Shelton moved to Eagle in 1948 where the couple held various jobs both in the public and private sectors. Bob served seven terms on the Eagle town board and a stint as the community's mayor. Shirley's work consisted largely of secretarial services for the school superintendent and the Selective Service.

Bob and Shirley, now retired, spend much of their time volunteering or actively participating in community projects. Bob works throughout the summer as the manager of the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Eagle Regional Visitor Information Center. During the winter, he serves as the ambassador at the Eagle County Regional Airport—helping travelers with all their information needs.

This spring, the couple was selected as the Eagle Flight Days Parade grand marshals, an honor given to them in recognition of their outstanding services to the Eagle community. The two led off the parade on July 3.

Mr. and Mrs. Shelton's contributions and exceptional services to the community of Eagle are to be commended. The dedication and hard work they demonstrate is remarkable. The state of Colorado is privileged to have such outstanding citizens.

CONGRATULATIONS TO LT. COL.  
THOMAS S. BLACK, U.S. ARMY  
RESERVE

**HON. ELLEN O. TAUSCHER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mrs. TAUSCHER. Mr. Speaker, I rise today to extend my heartfelt thanks to my constituent and friend Lt. Col. Thomas S. Black, the commander of the Parks Reserve Forces Training Area in Dublin, CA.

Lieutenant Colonel Black assumed command of Camp Parks on August 5, 1997, and has been a tremendous asset to both the Army Reservist and the surrounding community. I, and everyone who served with him at Camp Parks, owe him a huge debt of gratitude.

The bonds between Camp Parks and the surrounding community have always been strong. However, Lieutenant Colonel Black took the relationship to a whole new level with his extensive use of local contractors, his partnership with the city of Dublin on creating new soccer fields and his privatization of the camp's water and wastewater utility system. Camp Parks has truly become one of the Tri-Valley's greatest treasures.

Lieutenant Colonel Black has had a long and prestigious career in the U.S. military since his enlistment in the California National Guard in 1973. He has served in southern California, Germany, Georgia, and Texas, and along the way has earned the U.S. Army's Meritorious Service Medal, the U.S. Army's Commendation Medal, the U.S. Army's Achievement Medal, and various other service awards and ribbons.

I, like everyone else at Camp Parks and the surrounding community, am very sorry to see him leave. As a member of the Armed Services Committee, I have truly enjoyed working with him on issues important to the well-being of Camp Parks and the U.S. Army Reservist. And as the U.S. Representative of the 10th Congressional District, I have truly enjoyed the friendship I have developed with Lieutenant Colonel Black over the last 2 years.

I wish he, his wife Kathy, and his sons the best at his new assignment in Japan. Thank you again Lieutenant Colonel Black for your leadership, your support, and your service to this Nation.

HONORING G. BRUCE EVELAND,  
STATE COMMANDER FOR THE  
VETERANS OF FOREIGN WARS

**HON. JIM SAXTON**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. SAXTON. Mr. Speaker, I rise before you today to recognize an organization which has served as the backbone for securing and protecting the rights of veterans of United States Armed Forces. This year, the Veterans of Foreign Wars of the United States celebrates its 100th year of providing a voice for the American military retiree. Central to the national organization's Centennial Anniversary celebration are the people who are a chief source of its success: the leaders of the local chapters.

I am fortunate enough to number among my constituents in New Jersey's 3rd Congressional District the State Commander for the Veterans of Foreign Wars, Mr. G. Bruce Eveland, a resident of Medford, New Jersey.

Mr. Speaker, I would like to take this opportunity to thank Mr. Eveland for all that he has done not only for veterans, but for his country. His persistence and hard work have ensured a better life for individuals who have certainly earned it: those men and women who have risked their lives serving the United States of America. Bruce Eveland is a tremendous asset to veterans everywhere, and, on the dawn of his homecoming celebration in Lumberton, New Jersey, I ask my colleagues in the 106th Congress to join me in recognizing his service.

A TRIBUTE TO MR. FRANK J.  
BALEY

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. LIPINSKI. Mr. Speaker, I rise to pay my respects and honor a community leader and loyal Democrat, Mr. Frank J. Baley. Frank Baley passed away on Saturday, July 10, 1999 at the age of sixty-nine.

Frank Baley was a devoted public servant and a leader of the Village of Stickney for ten years. He began his political career as a Democratic precinct captain and later served as a member of the Stickney Library Board. In 1965, he was elected Democratic committeeman of Stickney Township and remained a member of the Stickney Township Regular Democratic Organization until his death. He was elected a trustee on the Stickney Village Board in 1966, and held that position for twenty-three years before being elected village president in 1989.

In addition to his political career, Mr. Baley was an insurance and real estate broker. He also held various positions with the Cook County assessor's office and the clerk of the Circuit Court, where he served as the director of the criminal division.

Mr. Speaker, it is my distinct honor to pay tribute to Mr. Baley. As a valuable and revered public servant and community leader, he will be greatly missed.

WINNER OF THE DISCOVER CARD  
TRIBUTE AWARD

**HON. SOLOMON P. ORTIZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. ORTIZ. Mr. Speaker, I rise today to commend James A. Clark, an outstanding and innovative young man from Brownsville, Texas.

Competing with over 10,000 other applicants, James won a Silver Award in the Discover Card Tribute Award Scholarship for his outstanding contribution in the area of Trade and Technical Studies. The scholarship rewards student achievement in areas beyond academics. Winners must not only have a strong academic record, they must also possess special talents, be strong leaders, overcome personal obstacles, serve their community, and embark upon unique endeavors.

Academic success is definitely an important aspect of a young person's education. It requires hard work, interest, creativity, and discipline. However, real learning also occurs outside the classroom. A special talent cannot fully flourish without dedication and hours upon hours of practice. Leadership requires self-sacrifice and temerity; overcoming personal obstacle calls for faith and perseverance; and community service requires dedication, compassion, and unselfishness. James Clark, as a winner of the Discover Card Tribute Award, demonstrated all of these qualities.

While I am very proud of James, I know he did not do this alone. I commend his parents and his teachers for supporting and encouraging him in this proud undertaking. I especially commend the American Association of School Administrators (AASA), not only for its active participation in bringing the program into fruition, but also for its support and development of effective school leaders who ensure the highest quality in public education.

I appreciate the efforts of the private sector, like the Discover Card, who are serving a larger interest in recognizing the efforts of outstanding students. They support the AASA in its mission to prepare schools for the 21st Century by improving the condition of children and youth, connecting schools and communities, and enhancing the quality and effectiveness of school leaders.

Mr. Speaker, I ask my colleagues to join me today in applauding James Clark. He exemplifies the high level of academic success, leadership, dedication, creativity, and community service that all Americans, young and old, should emulate.

THE RADOM POST OFFICE

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to call attention to the 125th anniversary of the Radom Post Office. The celebration was held on June 16th. Refreshments were served and a raffle was held at the end of the day. The post office has been a pillar of the community since it was built in 1874. Jane Restoff, the current postmaster in Radom, organized the event.

In small towns like Radom, the Post Office serves not only as a place to send letters, it is a place where the community comes together to interact. It is an important part of our heritage and must not be forgotten.

TRIBUTE TO THE LATE THEODORE  
"TED" JAMES

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. McINNIS. Mr. Speaker, it is with a great deal of sadness that I take a moment to recognize the remarkable life and significant achievements of one of Larimer County's leading businessman, Theodore "Ted" James. An entrepreneur and developer of Grand Lake Lodge and Hidden Valley Ski Area, Mr. James died at his home on June 8 in Estes Park, CO. While family, friends and colleagues remember the truly exceptional life of Mr. James, I too would like to pay tribute to this remarkable man.

Mr. James was a resident of Estes Park for 46 years; moving to Larimer County in 1953 to run sightseeing buses, two lodges, and a store in Rocky Mountain National Park. During his time in Estes Park, Ted was the president and manager of the Hidden Valley Ski Area, Trail Ridge Store, Grand Lake Lodge, and the Estes Park Inn.

A graduate from Greeley High School, Ted attended the University of Nebraska at Lincoln. During his college career, Mr. James received numerous football awards and was selected by Knute Rockne for the All West football team. Upon graduating college, with a bachelor's degree in business, Ted played football for the Frankfort, PA, Yellowjackets, now known as the Philadelphia Eagles of the National Football League. Many years later, Mr. James was inducted to the Nebraska Hall of Fame at Memorial Stadium.

In 1947, Mr. James was instrumental in merging the Burlington Bus Co., and American Bus Lines to create American Bus Lines in Chicago. With previous experience as the manager of the Greeley Transportation Co., Ted was immediately offered a job as the president and general manager of American Bus Lines Chicago branch.

In 1953, Mr. James was given the opportunity to develop Hidden Valley Ski Area by the Larimer County Park Service. He was a park concessionaire for Hidden Valley, Grand Lake Lodge, and the Trail Ridge Store, as well as operating the Estes Park Chalet.

Mr. James was a member of the Sigma Phi Epsilon fraternity, Scottish Right and Estes Park Knights of the Belt Buckle. He was commissioner of the Boy Scouts of America in Denver, president of Ski County USA, and member and director of Denver Country Club.

Although his professional accomplishments will long be remembered and admired, most who knew him well will remember Ted James as a hard working, dedicated, and compassionate man. I would like to extend my deepest sympathy to the family and friends of Mr. James for their profound loss.

ORACLE CORPORATION: A MODEL  
CORPORATE CITIZEN

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. LANTOS. Mr. Speaker, I am certain that my colleagues are familiar with the extraordinary success of Oracle Corporation of Redwood Shores, California. Oracle is the world's second largest software company and the leading supplier of software for enterprise information management. Under the guidance of its visionary CEO, Larry Ellison, Oracle has pioneered the use of the Internet computing model for the development and deployment of enterprise software. The technological leadership of this outstanding company, which operates in more than 145 countries around the globe, has dramatically improved the ability of businesses to compete in our rapidly changing world.

Oracle's status as a corporate role model, however, rests on far more than its supremacy in the field of information technology. A corporate citizen of the highest order, Oracle has generously provided services and technical support to charities and social causes around the world. The company has truly made a difference.

Mr. Speaker, one recent illustration of exemplary corporate citizenship also demonstrated Oracle's information technology prowess and its application to public service. The ongoing humanitarian crisis in the Balkans, resulting from Slobodan Milosevic's campaign of ethnic cleansing in Kosova, has left hundreds of thousands of refugees with husbands separated from wives and families and parents separated from their children. Attempts to reunite these shattered families have taxed the resources of NATO and international peacekeepers, as well as United Nations refugee officials and other humanitarian organizations.

Desperate to ease the plight of lost family members, the American Red Cross turned to Oracle for an Internet-based solution. Oracle quickly responded by developing the Displaced Persons Linking System (DPLS), an innovative program which has greatly assisted relief workers in reuniting lost family members. In recent days, this technology has been used to bring together many refugees separated by the chaos of war, including a 13-year-old Kosovar refugee and her father in a Macedonian refugee camp, as well as an elderly Kosovar man in a New Jersey relief center and his son in Albania.

Mr. Speaker, Oracle's outstanding humanitarian efforts were noted by the Acting President of the American Red Cross, Steve Bullock, who said: "The Balkan refugee crisis is enormously complex both in terms of its size and scope. Oracle's status as the world's leader in information management technology has helped us tackle this problem in a manner that will help not only Kosovar refugees and their families, but also the victims of natural disasters whom the American Red Cross traditionally has served. I can think of a few organizations better suited to helping the American Red Cross move into the new millennium than Oracle."

Mr. Speaker, Oracle's significant contribution to the relief effort in Kosova merits the sincere gratitude and appreciation of all of us.

The development of the DPLS is only one of a multitude of charitable efforts initiated by Oracle. The Computers for Coexistence program, for example, uses the growth of Internet technology to promote peace and stability. Oracle is currently installing hundreds of network computers in Israeli and Palestinian cities, in schools and community centers, to link children of both people to the Internet and to foster communication between them. A similar effort to bridge the "digital divide" is also underway in Northern Ireland, offering a new avenue for bringing together Protestant and Catholic children and undermining ancient prejudices.

An additional charitable venture, Oracle's Promise, is helping to better the lives of children here at home. By providing computers to schools in low-income neighborhoods across America, Oracle has helped to create enhanced learning opportunities for over 125,000 young people in more than 1,000 classrooms all over our country. These invaluable interventions have occurred in Atlanta, Chicago, Dallas, Denver, Los Angeles, Oakland, San Francisco, Washington, DC, and many other cities. These efforts have earned Oracle the commendation of General Colin Powell in his "America's Promise 1999 Report to the Nation."

Mr. Speaker, Oracle employees directly assist these various programs by volunteering in communities in all corners of our great country. In addition to the thousands of volunteer hours contributed to these projects, Oracle employees devote spare time to causes ranging from Meals on Wheels to literacy tutoring, from assisting senior citizens with minor home repairs to raising money for breast cancer research. Oracle strongly encourages and helps to coordinate these efforts, reflecting this corporate citizen's genuine commitment to public service.

As America's economy grows and prospers, I hope that other companies follow Oracle's outstanding example by recognizing a corporate responsibility both to their communities and to the welfare of the less fortunate. Mr. Speaker, I am honored to represent in the Congress the international headquarters of Oracle Corporation, as well thousands of its employees in the Bay Area. I ask my colleagues to join me in commending the men and women of Oracle for their exceptional contributions to our society.

OUR CONSTITUENTS DEMAND  
SENSIBLE GUN SAFETY LAWS

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Ms. SCHAKOWSKY. Mr. Speaker, the people of Illinois and Indiana, and in particular the residents of my district, are beginning the healing process after having suffered the violence of hate over the 4th of July weekend. I am thankful and grateful for the outstanding effort by local, state, and federal law enforcement officials in bringing the rampage to an end. I am also proud of my community for never losing faith and for having the courage to stand tall in the face of hate.

The killing and shooting spree took the lives of two men and forever changed the lives of

many others. What happened as we celebrated our Independence Day should be a wake up call to Congress to step up, fulfill its duty, and pass legislation that protects the lives of our citizens. The mad man who committed these heinous crimes bought his guns illegally from an unauthorized gun dealer. He was able to do so because the dealer just recently purchased more than sixty weapons in a short period of time. He did so for the sole purpose of selling them for profit.

We have a responsibility to protect the lives of our constituents. Congress must pass and the President must sign bills to limit the purchase of handguns to one per month and to require the registration of every handgun sold in the United States. Our constituents demand it and our children deserve it.

Following the killing spree, Mayor Richard M. Daley of Chicago wrote in the Chicago Tribune about the need for Congress to immediately pass gun safety measures. The people of our state appreciate Mayor Daley's unwavering leadership on this issue. He has taken his cause to state and federal legislators and made it clear that without passing sensible gun safety legislation, we all face the consequences of gun violence.

I wholeheartedly agree. His remarks follow.

#### CRACKING DOWN ON VIOLENCE AND HATE

(By Mayor Richard Daley)

CHICAGO.—Last weekend Illinois and Indiana became the latest focus of violence across the country resulting from intolerance and hate.

Like all Chicagoans I am outraged by these hate-based shootings and the damage that has been done to people who were victims for no reason other than their race or religion.

There is no place in Chicago for hate, hate-related violence or anyone who promotes either. We will never let hate or the violence that flows from it divide us. When acts of bigotry and racism occur, we will stand together against them as one community and one city.

I want to commend the people of Rogers Park, Skokie, Northbrook, and communities in Downstate Illinois and Indiana for coming together and growing stronger as a result of these tragedies. These shootings are a tragic reminder that each of us has an important responsibility to protect the right of every person—irrespective of his race, religion, ethnic background or sexual orientation—to live life to the fullest, free from violence.

There is another issue raised by Benjamin Smith's actions the fundamental causes and ramifications of violence in our communities.

Right now, the Chicago police and the Englewood community are faced with a series of murders of young women. In the wake of those killings, many residents of that community don't feel safe in their own neighborhood. That is unacceptable in Chicago, and that is why the police department has deployed a special task force of investigators to solve those murders.

There are other steps we can take. Residents across the city have demonstrated that community policing can lead to safer streets.

We must also work harder to end the easy availability of guns.

Consider how Smith obtained the handguns he used. He first tried to obtain three weapons from a licensed gun dealer in Peoria Heights but failed a background check and was turned away. That shows that this part of the gun-control system is working—up to a point.

This case demonstrates the need for even stronger background-check laws. If we had a system that ensured that local authorities were alerted whenever someone who may not legally own a gun attempts to purchase one, Smith might have been stopped before he went on his rampage. Instead Smith was able to purchase his guns from a dealer who was not licensed and who had a history of indiscriminately putting guns on the street. This is the point at which the system failed. It failed for a reason I have been discussing for a long time. There is money to be made in selling guns illegally.

Currently an individual can legally purchase guns in large quantities at one time and then sell each one of them illegally for a profit. Last November I proposed state and federal legislation to make it illegal to purchase more than one gun per month. This would make it far less profitable for someone to go into the illegal-arms sales business but would not inhibit the rights of legitimate gun owners in any way. Who could possibly need to purchase more than one gun per month for hunting purposes or to protect his or her family?

We have not yet succeeded in passing this legislation and other gun-control initiatives. On behalf of the victims of the recent shootings and all the victims of gun violence in our city, we will continue our efforts until more effective gun-control measures are law. I will continue to argue that there is no reason why the state of Illinois should not license gun dealers as it does beekeepers, manicurists and taxidermists.

We can make it harder for the Smiths of this world to succeed in acting on their hate. By taking the profitability out of illegal gun sales, we can make it more likely that, once licensed gun dealers turn down their purchase requests, individuals like Smith will have nowhere else to turn to buy weapons.

#### HAZEL DELL FARM

#### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to commemorate the historic Hazel Dell farm. It was the location for this years veterans' celebration in Jerseyville. The owners of the farm say it was a natural place for the celebration because the original owner of the farm, Col. William Fulkerson, fought for the Confederacy in the Civil War. His grandson died battling the Germans in World War II, and his grandson died in Vietnam.

Last year, the 1866 Fulkerson Mansion was placed on the National Register of Historic places and a brief dedication was held during which the new National Register plaque was unveiled. I am very pleased to see our community coming together to remember our veterans and take pride in our local heritage.

#### TRIBUTE TO JUDGE CHARLES WATKINS, JR.

#### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to a friend, a colleague and a tremendous public interest human being, Judge

Charles Watkins, Jr., who recently passed away. Judge was much too young to die, and yet he did probably because like many other men and especially African American men, did not adequately look after his health. Judge was getting ready to retire from his position as a distinguished professor at Malcolm X College in Chicago. Judge was born in Vandalia, La. in a family of ten children. He like most of his peers was taught the value of hard work. Therefore, after high school, Judge entered the military, did his time, came out and went to college to study medical laboratory technology. He got married, and he and his wife HermaJean, had three children, Debbie, Judge C. Watkins III (Chuckie), and Carlos. Judge continued his education and eventually earned a Doctorate's Degree.

Judge had a strong work ethic and worked two and sometimes three jobs for practically all of his adult life. He worked in the blood bank at the University of Illinois, was Director of the Laboratory at the Martin Luther King, Jr. Neighborhood Health Center and developed the medical laboratory technology program at Malcolm X College where he taught for thirty years. Judge was a hardnosed union activist, helped to organize the Cook County College Teachers Union and served as its vice president for 21 years.

Notwithstanding all of his professional accomplishments, Judge was most known for his involvement in public activity and his willingness to reach out and help others.

He was a participating member of the United Baptist Church and served as chairman of the 7th Congressional District Political Action Committee and was a vice president of the Illinois Federation of Teachers. Judge was tough, tenacious and a skilled labor negotiator who could stand like a rock and not be moved. Although he had reached a high level of professional and social prominence, he lived among and worked with people in low-income communities which at one time was characterized by the Chicago Tribune as home for the permanent underclass.

He enjoyed the simple things of life, church with his family, backyard barbeques, trips back to Arkansas and Louisiana, family re-unions, poker games with the boys, interacting with his peers and students, attending community meetings or just sitting at home with his family.

Judge lived his life at the top of the class and shall always be remembered like a tree planted by the river of water. He would not be moved, he would not be compromised and he shall not be forgotten.

#### EXPRESSING THE SENSE OF THE HOUSE WITH REGARD TO THE UNITED STATES WOMEN'S SOCCER TEAM AND ITS WINNING PERFORMANCE IN THE 1999 WOMEN'S WORLD CUP TOURNAMENT

SPEECH OF

#### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 13, 1999*

Ms. ROYBAL-ALLARD. Mr. Speaker, on Saturday, in front of over 90,000 adoring fans, the United States Women's Team won the 1999 Women's World Cup. In an electrifying

match, our team defeated China with a 5 to 4 penalty kick victory.

The excellence of our team sends a powerful and positive message to the world about the importance of women's athletics and its value in building confidence, character and self-esteem for our young women.

Saturday's victory represents a first in many ways.

It was the largest women's world championship in history. Over 90,000 fans attended, a record for a women-only sporting event.

Saturday's game was the most-watched soccer game ever on network televisions.

This was the first Women's World Cup hosted by the United States. Over 30 matches were played before more than 650,000 fans in seven cities across the country.

An unprecedented 16 nations participated, signaling a growth for women's soccer throughout the world.

But Saturday's victory is important for many other reasons.

Our team helped to raise soccer and women's sports to new levels, both in America and internationally. World Cup soccer has long been the venue for male players and is the most popular sport in the world. But, the Women's World Cup and the U.S. national team in particular showed us that women's soccer and women's sports can be just as captivating, just as athletic, just as powerful, and just as competitive as men's sports.

What makes our team so special is that the U.S. women's national soccer program stands in stark contrast to many of its competitors who rely on a government-run or government-financed training system or a professional club to produce national teams.

In contrast, our American women started in community-based amateur recreational leagues, and owe much to their parents, who have steadfastly driven their daughters to weekend soccer games and summer soccer camps.

They have also relied on the high-caliber, but amateur, college sports system which provides top-notch athletic competition that, in turn, produces the top-notch athletes who can compete at this level.

Key to this college competition is the valuable role Title IX of the 1972 Education Amendments has played in first establishing, then strengthening college sports programs for women, creating opportunities both to participate and to compete at advanced levels in soccer and many other sports.

But perhaps the finest trait exemplified by the Women's World Cup, and by the performance of the American team in particular, is the quest for excellence. Whether you are a rabid soccer fan or merely a casual observer, excellence is something we all recognize.

The U.S. Team is renowned both here and around the world for its commitment to values that we can all appreciate: teamwork, sportsmanship and fair play. Their esprit d' corps has been emphasized in feature article after feature article, and has even been a distinctive theme in TV commercials over the past few weeks.

Victory is wonderful, and victory is to be commended. But as long as we pursue excellence in our lives, as the U.S. national team has demonstrated time and time again, we can all be champions.

## FINANCING EDUCATION; FREEDOM AND PRIVACY RESTORATION ACT; AND GAY MARRIAGE

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. SANDERS. Mr. Speaker, I insert for the RECORD statements by high school students from my home State of Vermont, who were speaking at my recent town meeting on issues facing young people today. I am asking that you please insert these statements in the CONGRESSIONAL RECORD as I believe that the views of these young persons will benefit my colleagues.

#### FINANCING EDUCATION

(On behalf of James Lucas, Caitlin Stone-Bressor, Jesse Pixley and Kim Junior)

Kim Junior: We are talking about financing our education.

Education is a paramount concern because it affects everyone. Hillary Clinton said that it takes a village to teach a child, and it does. Currently, the United States educational system is going through a rebirth. Many states are attempting to improve their education systems. Vermont has recently shed itself of its old education system and has donned a new, more equal method. This new educational plan, led by Act 60, has helped equalize the percent a property owner is taxed towards education.

Now that the state has money coming to the schools that are in need of funding, the state, the school and the community have to decide how they want to improve their school. The consensus believes that better facilities will make better schools. They think a new gym, arts center or a classroom will make children more capable in that particular area. A new building, however, does not change students.

Jesse Pixley: Teachers are needed to change students and help them to become more educated. But to improve how educators teach is difficult.

Many teachers feel that they are not competent. In a January 29th New York Times article, William Honan said that only one in five full-time public school teachers said they felt qualified to teach in a modern classroom. This is a scary revelation. There is a definite need to enhance the qualifications of teachers and to help them gain sufficient confidence to be able to teach.

The New York Times printed an article on April 23rd telling of over 4,000 Washington teachers and educators who protested because they are not being supported in their pursuit of higher education. Deben Gruber, a special education teacher in Highland School District, said "I can't afford to have a computer, the Internet or a newspaper anymore". The teachers in Washington were not given the opportunity, financially, to attain a greater level of learning.

Caitlin Stone-Bressor: A recent addition for \$75.9 million is being added to the \$159 million that is already promised to school districts under the Education Reform Act. Of this \$76 million addition, only an eighth of it will be given to teachers. The proposal also calls to give \$4.2 million to school nutrition programs. While school nutrition is certainly important, America is setting its priorities in the wrong position when it gives so much to food and so little to educators.

Tenureship is also an important issue because it allows unqualified teachers to keep teaching. Established because of the frequent changes in the administration, it allowed

teachers to have faith that they would be able to keep their jobs despite changes in authority. Yet the system is proven to have flaws.

James Lukas: Many teachers who are granted tenureship are not fully qualified. The school system then finds that it would cost less to keep these teachers than to get rid of them. The most prominent and meritorious suggestion to remedy this problem is having teachers paid on the basis of skill and quality, and not on seniority. The education system should be run as a private enterprise, and if a teacher is not making the standard, they should not be favored as well as the teacher who excels in his or her area.

Reform is needed to improve our education system. The current system needs to enhance teachers, special education, advanced learning, sports, arts, and all the other aspects of education to make sure Vermont's education system is as good as it can be.

#### FREEDOM AND PRIVACY RESTORATION ACT

(On behalf of Stacy Pelletier, Jessica Cole, Amy Clark, Sarah Kimball and Christine Miller)

Stacy Pelletier: Do you want the government of the U.S. to be able to find out any information about you whenever they want to? The proposed medical ID and the Know-Your-Customer Act make your medical information open for their viewing and allow banks and government to monitor your financial transactions. Along with these two items, social security numbers have become a huge violation of your privacy. Luckily, the Freedom and Privacy Restoration Act of 1999 looks to make your private life private again.

Jessica Cole: We agree with the Freedom and Privacy Restoration Act of 1999, which forbids the federal government from making any identifiers which can be used in investigating, monitoring, overseeing or regulating private things, like sales or transactions between U.S. citizens. One of these identifiers could be national ID cards.

If Congress doesn't take action, federal officials could soon keep citizens from traveling, getting a job, opening a bank account, or even getting medical treatment unless all their papers are in order according to the federal bureaucracy.

Amy Clark: One example of invasion of our privacy are social security numbers. These identification numbers usually have to be shown for anything from getting a job to getting a fishing license. The Freedom and Privacy Restoration Act prohibits the use of social security numbers as an identifier. In order for parents to get a birth certificate for their children and claim them as dependents, they are forced to get a security number for them. We find that this is abusing our right to privacy.

Sarah Kimball: In 1996, the Department of Health and Human Services was told to come up with a unique health identifier. Their proposed plan includes a giant database for the total medical history of every American, and a medical ID card one would have to show in order to fill a prescription, leave the country, or even check into a hotel. The police could also request to see this card at any time, and many fear that hackers would break into the medical files, destroying doctor-patient confidentiality.

Many of the problems presented are in violation of the Fourth Amendment of the Constitution, but, thankfully, the Freedom and Privacy Restoration Act would prohibit such an act and identification tool from being put into action.

Christine Miller: In conclusion, we value our privacy, which is violated by social security, medical cards, and medical IDs, and the Know-Your-Customer Act.

Congressman Sanders, can we urge you to support the legislation of the Freedom and Privacy Act in the future?

#### GAY MARRIAGE

(On behalf of Vera Catherine Wade, Alex Hastings, Stephanie Ladd, John Nichols and Mark Boyle)

John Nichols: As Vera already said, we are all members of the Gay-Straight Alliance at BFA. Namely, that is a group of both gay and straight people, and our main purpose is to ease some of the tensions that exist in high school life between hetero and homosexual people that is sometimes the result of perhaps ignorance and other such things that can easily be mended.

However, the reason we are here today is, when we became aware of the possibility of legislation in Vermont being suggested that would ban gay marriage, we saw that as a great concern, as infringing upon the rights of people of the homosexual persuasion.

Vera Catherine Wade: The suggested antigay marriage bills state that a valid marriage consists of a man and a woman. We believe people should have the right to marry whomever they choose. In the past, the question wasn't gender, it was race. To deny anyone the right to marry is a step backwards in equal rights to all peoples.

In addition, Who is to say what a good family is? A man and a woman in an abusive relationship can bring a child into the world without planning, and where is the child supposed to go with that? A homosexual couple have no choice but to plan.

We aren't saying that everyone should get married, and we aren't saying that it's the right thing for these people to marry; we aren't encouraging anything but the right to marry for everyone.

Mark Boyle: Another issue that's a really big problem for homosexuals in many cases is the right to insure your partner. Its okay for a man and a woman in a monogamous relationship outside of wedlock to claim people on taxes or their insurance, and yet it is not okay for homosexuals to claim a partner as a person of their family, and it's not allowed for them to get married so as to be able to include them on any type of taxes or insurance.

The issue of having somebody choose what they want to do is very at hand here. I think that a lot of people tend to stop and think of this as a moral issue, when it is more of an issue of just plain tolerance. You don't have to agree with it or disagree with it or be part of it; all that you have to do is to give people the opportunity to be Americans and to be given the rights and privileges, and the expansion of those privileges to any and all pursuits they choose, as long as it is not infringing on the rights of other humans.

#### FEAR AND HUNGER IN THE WAKE OF WELFARE REFORM

**HON. LUIS V. GUTIERREZ**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Mr. GUTIERREZ. Mr. Speaker, since the passage of the Personal Responsibility and Work Opportunity Act in 1996, legal immigrants have been denied access to vital health, income and nutrition assistance programs. Although the Balanced Budget Act of 1997 and the Agricultural Research, Extension, and Education Reform Act of 1998 restored some benefits to elderly, disabled, and minor immigrants who entered legally before

August 22, 1996, researchers have documented a dramatic increase in extreme hunger and food insecurity among those affected by the law.

The following research memorandum was written by Amy K. Fauver, a research associate for the Washington-based Council on Hemispheric Affairs (COHA). The memo represents an elaborated version of an article which will appear in issue 19:09 of COHA's publication, the Washington Report on the Hemisphere. The article addresses the consequences of the immigrant-specific provisions of welfare reform, and demonstrates the need to restore essential benefits to immigrants who have come to the U.S. legally and have paid taxes, but in some circumstances have needed government assistance.

#### FEAR AND HUNGER IN THE WAKE OF WELFARE REFORM

(By Amy K. Fauver, Research Associate, Council on Hemispheric Affairs)

On August 22, 1996, President Clinton signed the "Personal Responsibility and Work Opportunity Reconciliation Act" (PRWORA), mandating in his own words, "the end of welfare as we know it." The justification for these measures was moral and financial: welfare recipients in general "abuse" the system; welfare "hurts" people by encouraging "dependency"; and above all, taxpayers should "not have to foot the bill for immigrants" who viewed the U.S. as, according to Rep. Lamar Smith (R-TX), chairman of the Subcommittee on Immigration and Claims, "nothing more than a taxpayer-funded retirement home." Among the most dramatic changes were those affecting the eligibility of legal, documented immigrants for federal benefit programs. Of the \$60 billion projected savings from welfare reform, approximately \$24 billion—44%—was to come from cuts in social services to immigrants. 85% of these savings were from reductions in Supplemental Security Income (SSI), Medicaid, Food Stamps and Air for Families with Dependent Children (AFDC).

#### PRWORA PROVISIONS TARGET IMMIGRANTS

The immigrant provisions of PRWORA created new categories of distinction among immigrants based not on their legal status, but on their date of arrival in the U.S. Previously, federal means-tested benefits were available to any legally admitted immigrant on the same terms as natural and naturalized citizens after a period of deeming. PRWORA redefined immigrants as "qualified" or "unqualified," which effectively replaced the "legal" or "illegal" dichotomy for determining entitlement, and essentially denied most legal immigrants access to benefits. Aside from emergency medical assistance and a few other programs necessary for the protection of life and safety, any benefits the newly "unqualified" were receiving at the time of the law's enactment were terminated. Although the majority of legal immigrants were "qualified," most were nonetheless barred from SSI and Food Stamps until they were naturalized. The only exemptions were those able to prove 10 years of Social Security-qualified work history, refugees, asylees and those granted withholding of deportation (but only for their first five years in the U.S.), as well as veterans and active duty military, their spouses and dependent children.

PRWORA also distinguished between immigrants based on their date of arrival in the U.S. The "before" group, of those immigrants who were legally present before August 22, 1996 (this date coincides with the signing of PRWORA), were granted greater access to benefits than the "after" group,

who arrived on or after that date. The "after" group was barred from benefits for their first five years in the country, except the life and safety provisions.

Pressure to amend PRWORA came from immigrant advocacy groups and President Clinton himself, who vowed to soften the immigrant provisions of PRWORA even as he signed it. The Balanced Budget Act of 1998 reinstated \$11.4 billion of the \$23.8 billion cut from immigrant benefits, restoring SSI benefits to most "before" immigrants. The legislation also extended the length of time that refugees and asylees can collect benefits from five to seven years in response to an INS backlog of over a year. This formula was intended to provide a realistic time frame in which to naturalize before benefits would be discontinued.

In June 1998, the Agricultural Act restored \$818 million in food stamps to specific immigrants, including the elderly and legally present children under 18 from the "before" group. Although these restorations returned food stamps to approximately 250,000 immigrants, two-thirds of those previously eligible remain without such assistance. This law did not address immigrants who entered after the arbitrarily chosen cut off date.

#### CONSEQUENCES: FEAR AND HUNGER

Despite these attempts to soften the blow that PRWORA dealt to legally-present immigrants, it has profoundly impacted all non-citizen welfare recipients and destroyed the safety net for those not currently needing help, but who might require it in the future. A July 1998 Urban Institute study of Los Angeles County portrays a sharp decline in immigrant applications for welfare benefits even though the vast majority remained eligible under state-funded programs. This study suggests that many immigrants are not attempting to prove their eligibility partly due to confusion about the law, but especially out of fear of negative consequences. They are afraid that revealing information about their immigration status (as in the case of undocumented parents trying to collect benefits for legal immigrant or citizen children) could result in deportation or compromise future attempts to naturalize if they are labeled a "public charge."

These well-founded anxieties can prevent those who are aware of their eligibility from seeking benefits for themselves or for their children. PRWORA's provisions requiring public agencies to report to the INS any persons "known to be unlawfully present" in the U.S., have exacerbated this fear. Although public health care providers are exempt from such reporting requirement, because they are prohibited from having an official policy that they will not share immigrant status information with the INS, they cannot guarantee protection for undocumented patients. According to the Center for Public Policy Priorities in Austin, TX, "Public health providers report that this is already having a chilling effect on the use of prenatal care, preventative care and primary care."

One of the most egregious problems directly resulting from PRWORA has been an extraordinary increase in hunger among legal immigrants. As for the welfare reductions in general, a disproportionate share of the federal savings from Food Stamp cuts came from restricting immigrant eligibility. Prior to PRWORA, 5.2% of all Food Stamp recipients were immigrants, yet over 30% of Food Stamp cuts came from slashing immigrants' benefits. Not surprisingly, many immigrants who lost benefits now are suffering. A May 1998 study by Physicians for Human Rights (PHR) tracked household hunger among legal Latino and Asian immigrants in California, Texas and Illinois. Finding 79% of

households interviewed to be food insecure, PHR called "the cuts against individuals who are in the U.S. legally and who pay taxes. . . a serious human rights violation." Legal immigrant households were ten times more likely than the general population to suffer from severe hunger and one-third of immigrant households surveyed reported moderate or severe hunger caused by a lack of sufficient resources.

A similar study by the California Food Policy Advocates (CFPA) echoes these findings, but also documents an "alarmingly high rate of hunger among children in legal immigrant households where food stamps have been cut." Immigrant households in Los Angeles that lost benefits were 30% more likely to experience "food insecurity with extreme hunger" than those that did not. In San Francisco, this number jumped to 173%, making immigrants affected by PRWORA almost twice as likely to be suffering from extreme hunger than an unaffected group. Moreover, in both cities, immigrant households with children which had lost food stamps were almost two-thirds more likely to experience serious food problems than similar households that retained complete benefits.

Although both studies were conducted prior to the Agricultural Act, CFPA's findings were shocking even though California exercised its option—unlike most states—to fill the gap with state funds for the same population that now has regained eligibility. Without further legislation, marked improvements of this nature in the future are unlikely because most of those benefiting from the restoration are immigrant children living in "mixed" households where "eligible" individuals live with others who are not. In Texas alone, there are 65,396 "mixed" households with approximately 9,000 legal immigrant and 145,000 citizen children. Although these children can again collect food stamps, the total resources available to the family remain low because their parents still cannot.

#### IS "FAIRNESS" IN THE FUTURE?

The Fairness to Legal Immigrants Act of 1999, recently introduced in the Senate, proposes the most extensive restoration to date and offers the first substantive opportunity to right the wrongs done to legal immigrants by PRWORA. If approved, this bill would restore food stamps to all eligible "before" immigrants and those otherwise qualified "after" immigrants who suffer domestic abuse. It would also allow states to cover all pregnant legal immigrant women and children who entered after August 22, 1996 under Medicaid and restore many health and SSI disability benefits for certain immigrants from both the "before" and "after" groups. This bill represents a significant step towards rectifying several of the most controversial outcomes of welfare reform by protecting dependent children, addressing the mixed household problem and providing essential food assistance to many needy legal immigrant families. Wholehearted support by this Congress would send a clear message to law-abiding, taxpaying immigrants that they need not fear, that they need not go hungry and that they will not be abandoned in their times of need.

#### HONORING ODYSSEY OF THE MIND TEAMS

##### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Mr. KILDEE. Mr. Speaker, I rise today to recognize and honor the achievements of a

group of young people who have distinguished themselves as some of the brightest in the world. On July 6, school and local officials, friends, and family, gathered to honor students from Mason Middle School and Crary Middle School, both located in Waterford, Michigan, for their success in the Odyssey of the Mind world competition, recently held in Knoxville, Tennessee.

Students from Mason Middle School placed fifth out of 58 teams in the vehicle problem category, designing a vehicle that would travel through three countries, without touching the ground, and setting off a specific event upon entering the country. Through the use of superior problem solving skills, the Mason team created a vehicle that would travel through China, Egypt, and the United States. In addition to placing fifth, the team won the Ranatra Fusca Award, the competition's highest honor for creativity.

The Mason team includes Alysse Cohen, Robert Dziurda, Tamara Haynes, Caitlin Johnson, Megan Long, and Elizabeth McGregor. Their coaches are Suzy Cohen and Robin McGregor.

Students from Crary Middle School placed sixth out of 53 teams in the environmental challenge category, creating a series of possible habitats for an animal following the destruction of the creature's original habitat, with the judges given the ability to randomly poison one of the habitats.

The Crary team includes Alex Caryl, Eric Chapman, Steve Grabowski, Brad Howell, and Jeff Ritter. The coaches were Angela and Tom Chapman.

Odyssey of the Mind teams provide a large opportunity for some of country's brightest young people to exercise their cognitive and problem-solving skills. To compete in a world competition, a team must place first in the state in their category. It is rare for more than one team from the same school district, and even more rare for them both to perform as highly as Mason and Crary has done.

Mr. Speaker, at a time when the future of our young adults is a constant concern, I am very happy to honor these students and the parents who have taken time out of their schedules to coach the teams. I ask my colleagues in the 106th Congress to join me in congratulating Mason and Crary Middle Schools.

#### IN RECOGNITION OF TAMARAC ELEMENTARY SCHOOL

##### HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Mr. DEUTSCH. Mr. Speaker, I rise today to celebrate the selection of Tamarac Elementary as a "National Blue Ribbon School of Excellence." It is both an honor and a privilege for me to recognize this exemplary school for receiving such a distinguished award.

Since 1982, the Blue Ribbon Schools Program has celebrated many of America's most successful schools. A Blue Ribbon symbol denotes a level of educational proficiency recognized by parents and students in thousands of communities. Superior teaching, dedicated staff, and a caring environment for students are a few reasons why Tamarac Elementary

has been chosen for such an exclusive award after a rigorous selection process.

Tamarac Elementary School was built in 1973 and is the only school in the city of Tamarac, Florida. The school's extraordinary devotion to educating the leaders of the 21st century is illustrated best by its mission statement: "The mission of Tamarac Elementary is to establish an educational environment where children reach their highest potential intellectually, socially, emotionally and physically through a total commitment of school, home, and community." Mr. Speaker, I am sure that my colleagues will agree with me when I say that this mission statement demonstrates noble goals—goals which all schools should strive to fulfill.

Tamarac Elementary has taken the Blue Ribbon Challenge and triumphed with flying colors. I wish to congratulate Principal Kathleen Goldstein and her devoted staff for this well deserved honor. This is truly an accomplishment that the entire Tamarac community can be proud of.

#### PERSONAL EXPLANATION

##### HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Mr. BATEMAN. Mr. Speaker, I am regretfully absent and missed 3 votes on July 12, 1999. The first vote was on the Journal and the rest were under suspension of the rules. I wish to include in the RECORD my statement as to how I would have voted had I been present.

On rollcall vote No. 277, I would have voted "aye." On rollcall vote No. 278, I would have voted "aye." On rollcall vote No. 279, I would have voted "aye."

#### TRIBUTE TO BRIAN BLAHA

##### HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Mr. TALENT. Mr. Speaker, I rise today to recognize an outstanding student from my district. Brian Blaha, a student from Parkway Central High School, set his sights high, and as a result, he has been named one of the 20 finalists in the 31st United States National Chemistry Olympiad.

Approximately 10,000 chemistry students nationwide competed in a series of qualifying events, organized by the American Chemical Society, for the opportunity to represent the United States. The competition included laboratory and written examinations, which covered topics typically found in third-year college curricula.

I would also like to recognize Brian's chemistry teacher Mr. Mark Schuermann whose dedication and excellence in teaching has aided in the success of his students. The achievements of Brian Blaha are an impressive reflection on his teachers.

Mr. Speaker, I am pleased to be able to recognize this extraordinary student for his achievements. Brian Blaha's success is a true reflection on not only his drive and determination, but also on the parents, family members,

and teachers who have supported his hard work and determination. Brian is an excellent example of what young people will achieve when given the opportunity.

# 1986 AMENDMENTS TO THE FALSE CLAIMS ACT

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Mr. BERMAN. Mr. Speaker, thirteen years ago, Congress passed the 1986 Amendments to the False Claims Act. They have been an enormous success.

As the principal sponsors of those amendments, Senator GRASSLEY and I are gratified to see how well they have worked. Recoveries to the United States Treasury pursuant to the False Claim Act have increased a remarkable 40-fold compared to the period before the amendments were adopted. More than \$2.5 billion has been recovered to date from *qui tam* lawsuits, with half of that amount coming in the last few years. Another \$3 billion in recoveries is anticipated from the pending cases the government has already joined. This exponential growth in recoveries to the Treasury is expected to continue.

The biggest payoff however has been in the deterrence of fraud. An analysis by William L. Stringer, the former Chief Economist for the U.S. Senate Committee on Budget, has estimated the deterrence attributable to the *qui tam* provisions of the False Claims Act for the first 10 years (through 1996) is \$35 billion to \$75 billion. He estimates that the next 10 years will produce additional savings of \$105 billion to \$210 billion. Indeed, many believe that the substantial reduction in Medicare outlays in recent years is due in no small part to the effect these amendments have had in curbing fraud.

It is not an overstatement to suggest that there has been a cultural shift within companies that do business with the government. Because of the vigilance of the citizenry and the use of the *qui tam* provisions of False Claims Act, companies and entities are changing the way they do business with the government. Instead of developing strategies of "revenue enhancement" when dealing with the government, these same entities are developing new compliance programs to ensure that the government is not overcharged. This shift has occurred for one fundamental reason: The risks of getting caught, exposed and subjected to substantial penalties have grown tremendously as a direct result of the reinvigoration of the government's fraud enforcement caused by the 1986 amendments.

This cultural change is very much what Senator GRASSLEY and I hoped and expected would develop with the enactment of the 1986 amendments. We wanted to encourage, with appropriate incentives, the citizenry to take us the fight against fraud perpetrated against our government. We had hoped to forge a public/private partnership to go after those who would deliberately overcharge (or underpay) the government. People who are insiders within companies and witness fraud, businesses that become aware of illegal practices by competitors, individuals who through their own investigative efforts turn up information of

government overcharges (or underpayments) and, equally important, the private attorneys and law firms who work with the Justice Department and heavily invest their own time, resources, and expertise over many years these individuals, companies and attorneys have collectively turned the *qui tam* provisions of the False Claims Act into the single best example of privatization success.

In the thirteen years since the 1986 amendments were adopted, more than cases have been filed. As a result, a substantial body of False Claims law has developed.

I rise today to express the grave concerns that Senator GRASSLEY and I have about judicial decisions involving one important provisions of the law: the "public disclosure" bar. We have reviewed with dismay opinions of many courts that have misunderstood and therefore, misinterpreted what Congress intended when in adopted this provision. The courts' interpretations of the "public disclosure" bar are often in conflict with each other, resulting in great confusion. Worse, taken together these decisions many discourage many good cases from being filed, threatening to seriously undermine the effectiveness of the Act.

Because of our concerns about judicial interpretation of the "public disclosure" bar, we wrote to Attorney General Reno to set forth our views in detail about this provisions and the various circuit court interpretations. We ask that the Department of Justice, as the government agency with primary responsibility for enforcing the False Claims Act, be especially vigilant in helping courts correctly implement the Congressional policy that underlies the "public disclosure" bar.

We also believe that it would be useful for courts to understand what we as the principal authors of the law intended in creating the "public disclosure" bar.

By introducing our letter to Attorney General Reno into the CONGRESSIONAL RECORD, it is our intention to make it available to federal courts for guidance and perspective.

## H.R. 2499, THE SILENT SKIES ACT

**HON. ANTHONY D. WEINER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Mr. WEINER. Mr. Speaker, the Silent Skies Act, which I am introducing along with Representatives CROWLEY, HYDE, SHAYS and fourteen other original cosponsors, is intended to expedite the implementation of the next generation of quieter airplane engines.

So many members have airports in their district and have received the same letters from constituents. Every day and every night planes pass over your constituents' homes, businesses, and schools. They interrupt all aspects of life for those who reside under flight paths. While there is little we can do about the every-growing volume of air traffic, we can ensure the planes that fly overhead are as quiet as technology will allow.

In 1990, Congress passed the Aviation Noise and Capacity Act, a measure that led to the implementation of Stage 3 aircraft and reduced noise from airplanes by 50%. By the end of this year, Stage 3 will be fully implemented and most of the U.S. commercial fleet will be in compliance with these new lower

noise levels. While we recognize the contributions the airline industry has made in reducing the amount of noise coming from their aircraft, the number of flights going in and out of major airports continues to increase. Our constituents need relief.

By September 2001, the International Civil Aviation Organization will have approved international standards for Stage 4 engines. Our bill simply says that our constituents deserve relief, and they deserve it as soon as possible. The Silent Skies Act mandates a 10 year timetable, beginning in 2002, to phase in Stage 4 engines.

It is time for the Congress to take the lead again. This bill does just that. I am proud to introduce this bipartisan legislation and urge my colleagues to support this bill.

## SUMMARY H.R. 2499, THE SILENT SKIES ACT

This bill expedites the implementation of Stage 4-compliant aircraft. In 1990, Congress passed the Aviation Noise and Capacity Act, a measure that led to the development and implementation of Stage 3 aircraft, and reduced aircraft noise by 50%. By the end of this year, Stage 3 will be fully implemented and most of the U.S. commercial fleet will be in compliance with these new lower noise levels. Stage 4 represents the next level of noise reduction, and would reduce airplane noise by an estimated 40%.

This bill directs the Secretary of Transportation to issue regulations establishing minimum standards for Stage 4 noise levels no later than December 31, 2001;

Directs the phase in of these new standards over a ten year period, beginning in 2002;

Directs the Secretary of Transportation to submit a report to Congress on the progress being made toward compliance with Stage 4 implementation; and

Removes the noise level exemption for supersonic civil transport aircraft.

## INTRODUCTION OF THE HEALTH RESEARCH AND QUALITY ACT OF 1999

**HON. MICHAEL BILIRAKIS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Mr. BILIRAKIS. Mr. Speaker, today I am introducing, along with my colleagues, Representatives SHERROD BROWN and JIM GREENWOOD, the Health Research and Quality Act of 1999. We are introducing this bipartisan legislation to reauthorize and redefine the mission of the Agency for Health Care Policy and Research. Our bill renames it as the Agency for Health Research and Quality (AHRQ-pro-nounced "arc").

The purpose of this new name, and the reauthorization, is to foster comprehensive improvements in our health care system. Our bill refocuses the efforts of this critical agency to support private sector initiatives. Building on its current activities, the new agency will become a key partner to the private sector in improving the quality of health care in America.

Specifically, our bill directs the new agency to take action to improve health care quality by: Conducting and supporting research to reduce errors in medicine; supporting the Medical Expenditure Panel Survey (MEPS) and expanding its sample size to provide information on the quality of patient care; supporting research to evaluate and initiatives to advance

the use of information systems for the study of health care quality and other information initiatives; maintaining the Center for Primary Care Research and continuing primary care research; and establishing grants for regional centers to improve and increase access to preventive health care services.

We realize the importance of supporting public-private solutions to improve health care quality in our nation, and we hope that Congress will support the reauthorization of this important agency. A brief summary of the legislation follows:

SUMMARY OF THE HEALTH RESEARCH AND QUALITY ACT OF 1999—(LEGISLATION TO REAUTHORIZE THE AGENCY FOR HEALTH CARE POLICY AND RESEARCH)

PART A: ESTABLISHMENT AND GENERAL DUTIES

Redesignates the agency as the "Agency for Health Research and Quality" (AHRQ, pronounced "arc"), and changes the agency head's title from administrator to "director." Revises the agency's mission to emphasize its role as a partner to the private sector, with responsibility for promoting health care quality through research, synthesizing and disseminating scientific evidence, and advancing private and public efforts to improve health care quality.

Prohibits the agency from mandating "national standards of clinical practice or quality health care standards."

Emphasizes the agency's non-regulatory role in building the science of quality, while private and public sector purchasers and accreditation agencies set quality "standards."

PART B: HEALTH CARE IMPROVEMENT RESEARCH

Directs the agency to take specific action to improve the quality of health care by:

1. Identifying and disseminating methods for rating the scientific strength of research studies;

2. Conducting and supporting research, and building partnerships to support research, in order to reduce errors in medicine;

3. Supporting the Medical Expenditure Panel Survey (MEPS) and expanding its sample size to provide information on the quality of patient care;

4. Supporting research to evaluate and initiatives to advance the use of information systems for the study of health care quality and other information initiatives; and

5. Maintaining the Center for Primary Care Research and continuing primary care research.

Authorizes the Secretary of HHS, acting through the Director, to coordinate all research, evaluations, and demonstrations related to health services research and quality measurement and improvement supported by the federal government.

Requires the Secretary to contract with the Institute of Medicine to develop two reports on the organization and coordination of the quality improvement, research, and oversight activities of the federal government.

PART C: GENERAL PROVISIONS

Reauthorizes the agency's existing national advisory council and standardizes membership among the groups represented.

Directs the council to more broadly focus on overall priorities for health care research (quality, outcomes, cost, use, and access to care), the field of health services research, and identification of opportunities for public-private sector partnerships.

Increases the limit on small grants from \$50,000 to \$100,000 to reflect inflation.

Revises the authorization of appropriations to reflect congressional intent to increase research funding related to health care quality and improvement (authorizes

\$250 million in funding for FY 2000 and "such sums as necessary" for Fiscal Years 2001–2006).

Amends Title III of the Public Health Service Act to establish grants for regional centers to improve and increase access to preventive health care services.

THE NAVY NEEDS THE TOMAHAWK MISSILE

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Mr. HANSEN. Mr. Speaker, some of you may have been surprised to learn that the Tomahawk missile is obsolete. According to a recent AP story the premier strike weapon in the Navy and the hero of Desert Storm is obsolete.

This unbelievable story not only surprised me but it surprised the Navy and the Joint Chiefs.

As late as April 20 of this year the Navy and Joint Chiefs of Staff certified a combat requirement of 4,000 Tomahawk missiles. Today, the navy has half this number.

This administration has fired over 700 Tomahawks in just the last twelve months. We have replaced zero and shut down the production line last year.

Luckily, our fine Chairman of the procurement subcommittee took this shortage head on. We added almost 900 million dollars to the supplemental and the defense authorization bills—to replace these missiles and put the Navy on track to fulfill its national security requirement.

The Navy does need Tomahawk, if you don't believe me just call them your self.

Tomahawk is the Presidential weapon of choice except when it come to the budget. Support our Chairman, support the Navy, support the Tomahawk missile and ignore the nay sayers.

PERSONAL EXPLANATION

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Ms. MILLENDER-McDONALD. Mr. Speaker, on Monday, July 12, 1999, I was detained at Los Angeles International Airport, due to aircraft equipment failure, while returning from my district and missed rollcall votes 277, 278, and 279. Had I been present I would have voted "yea" on votes 277 and 279. I would have voted "present" on vote 278.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 13, 1999

The House in Committee of the Whole House on the State of the Union had under

consideration the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

Ms. DeGETTE. Mr. Chairman, I rise today to express my support for the amendment offered by the gentleman from California.

Mr. Chairman, we don't need any more timber roads. Construction of timber roads uses U.S. taxpayer dollars to pay for the business costs of the timber industry, and results in the degradation of soil, water quality and wildlife habitat.

We have over 440,000 miles of roads in our National Forests, the vast majority of which are for logging. If you pull out your calculator, Mr. Chairman, you'll find that 440,000 miles is enough to encircle the globe 17 times; that's ten times more road miles than we have in the Interstate Highway System.

These timber roads initiate erosion of soil, deposit sedimentation into streams, damage water quality, degrade fish habitat, fragment wildlife habitat, disrupt wildlife migration routes, and destroy the quiet beauty of our National Forests. The taxpayer ends up paying the cost for these damages—and too often the damage cannot be undone. These timber roads also give timber companies subsidized access to our natural resources. I don't think that's smart horse-trading, Mr. Chairman.

Over the recent recess I took a three-day hiking and horseback trip through some of the beautiful federal lands in my home state of Colorado. Over each hilltop, crossing each stream and river, coming across beautiful vistas, one after another—I found myself thinking what an unforgivable crime it would be to squander these resources. The next time my colleagues return to their districts, I urge them to take to the natural areas, and see first hand what I'm speaking about. I returned from my trip resolved to redouble my attempts to conserve these resources for future generations.

And I believe a good place to start is to eliminate the subsidized creation of more timber roads. I urge my colleagues to support the Miller amendment to protect roadless areas in our National Forest System.

IN MEMORIAM: KAREKIN I, CATHOLICOS OF ALL ARMENIANS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute to one of the world's great religious leaders, who recently passed away.

On June 29th, Armenia's Catholicos, Karekin I, died at the age of 66. The Catholicos is essentially equivalent to the "pope" of the Armenian Apostolic Church. Armenia's President Robert Kocharyan declared three days of official mourning, from July 6th through the 8th. Funeral services for the Catholicos were held on July 8th in the Cathedral of Echmiadzin. The principal celebrant of the four-hour funeral rite was Aram, I, Catholicos of Cilicia, the sister Catholicosate of the Armenian Apostolic Church. Thousands of Armenians were joined by religious leaders from around the world, including the Armenian Church Patriarchs of Jerusalem and Constantinople (Istanbul). Also participating in the

funeral mass were the heads of a number of national Orthodox Churches, and Cardinal Edward Cassidy, who represented Pope John Paul II.

Messages of condolence on the passing of Karekin I have been sent to the religious and national leaders of Armenia from around the world. President Clinton stated, "His Holiness was widely respected for his deep scholarship, deep sense of principle and his sincere devotion to the broadcast possible ecumenical dialogue." President Kocharian noted that Karekin I had the fortunate distinction to be one of the few Supreme Patriarchs to serve as Catholicos of All Armenians in an independent Armenia.

Last week, an Ecclesiastical Council, composed of the 49 bishops and archbishops, elected Archbishop Nerses Pozapalian as Locum Tenens to run the affairs of the Catholicosate until a new Catholicos is elected. Archbishop Pozapalian, who is 62 years old, was born in Turkey but educated in Armenia. Although the traditions of the church dictate that an election should take place after a six-month wait, a change in the rules has been proposed to permit an election before the year 2000 so that the Armenian Apostolic Church could fully participate in the Jerusalem commemorations of the second millennium of Christ's birth.

Mr. Speaker, Karekin was born in Syria in 1932, baptized as Neshan Sarkissian. He was educated at Oxford in England, and held top church positions in New York, Lebanon and Iran. He was a unique individual in the way he combined a deep reverence for one of the world's oldest religious traditions with a very modern world view. He fluently spoke Armenian, English, French, and Arabic. He was equally at home in meetings with the leaders of other religions, and with leaders of foreign governments and international institutions like the World Bank.

In 1991, Armenia—the first nation to embrace Christianity as its national religion achieved its independence from the officially atheist Soviet Union. Four years later, Karekin was elected as the 131st leader of the Armenian Church, after the death of Vazgen I, who had served for 40 years. At that point, he took up residence in the Armenian town of Echmiadzin, the seat of the Armenian Church.

Mr. Speaker, I consider myself fortunate to have had the opportunity to meet Karekin, both here in the United States, and also at Echmiadzin. He was a man of deep faith and spirituality. But he also addressed very worldly concerns, such as calling for a peaceful solution to the Nagorno Karabagh conflict and securing Armenia's place in a free and prosperous world. In what promised to be a major breakthrough in relations between different branches of Christianity, Pope John Paul II had been scheduled to visit Armenia. Unfortunately, the serious illness of the Catholicos, as well as the Pope's recent health concerns, caused that visit to be put off. As a Roman Catholic with deep concern for the Armenian people, I hope that a meeting between the leaders of these two great churches will eventually take place.

Mr. Speaker, the Armenian Apostolic Church—which will celebrate its 1,700th anniversary in the year 2001—is one of the so-called Ancient Churches of the East which split away from Byzantine Christianity before the Great Schism of 1054, which divided the

Eastern and Western Churches. Christianity was brought to Armenia by the apostles Jude and Bartholomew. King Trdat III proclaimed Armenia a Christian country in AD 301, 36 years before Emperor Constantine I, the first Christian ruler of the Roman Empire, was baptized. During the many years that Armenia lived under often hostile foreign domination, the Armenian Apostolic Church was the focus of the national aspirations and identity for the Armenian people. To this day, the Armenian Church is a major focal point for all Armenians, those living in Armenia and Nagorno Karabagh, and the millions of others in the Armenian Diaspora, including more than one million Armenian-Americans.

Mr. Speaker, on this occasion, I join with the Armenian people in mourning the passing of Karekin I, a great man who leaves a towering legacy.

#### HONORING THE WORK OF HARRY SWAIM

#### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. GORDON. Mr. Speaker, I rise today to honor Harry Swaim and his nearly 45 years of work for the Communications Workers of America, which has a nationwide membership of more than 600,000. Harry tenure with the organization will soon come to an end, though. He has decided to retire on Aug. 7.

As a state representative for the union, Harry's invaluable experience and caring attitude helped advance the union's many worthy causes. His tireless service to the organization reveals his genuine concern about the membership. Harry truly exemplifies all that is good about organized labor. He is certainly a fixture within the CWA and will be sorely missed by the entire membership.

I have known Harry for more than 20 years and consider him a close friend. He has given me lots of good advice over the years, and I thank him for that. I congratulate Harry for his admirable and distinguished career and wish him lots of luck in future endeavors.

#### CREDIT FOR VOLUNTARY ACTIONS ACT—H.R. 2520

#### HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. LAZIO. Mr. Speaker, I am introducing today legislation designed to encourage voluntary actions by industry to reduce the potential environmental problems caused by greenhouse gas emissions. The Credit for Voluntary Actions Act represents what I believe is a "New Environmentalism"—a new way to look at how all of these groups can partner together to effect change in the way business affects the environment.

I am proud to say that with the passage of this Credit for Voluntary Actions legislation, environmental regulation will no longer be a zero-sum game. This legislation successfully combines the interests of both industry and environment in a way that is mutually bene-

ficial and unprecedented. The major hindrance to industry cooperation in the reduction of greenhouse gases is the great uncertainty of the regulatory environment. There is a skepticism of scientific knowledge and a feeling that the high cost of pollution reduction will not be a good investment economically.

Additionally, there is no way to predict the future of global climate change or how effective reduction measures taken now will be in the long run. The current regulatory situation actually does more to discourage action than to promote environmentally-conscious activity.

The Credit for Voluntary Actions bill addresses these concerns directly. This is a voluntary program that allows a broad spectrum of U.S. business to participate in ways that make fiscal sense for them. This bill is not creating a regulatory program or buying into any international agreements. It is simply authorizing companies to reduce greenhouse gases without fear of punishment later. Many businesses have come to us and told us they would like to take actions to reduce greenhouse gas reductions but are concerned that they would be penalized in the future if they did so. Does it make sense to stop these companies from doing the right thing for the environment, and their own bottom lines? I didn't think so.

This bill is good for the environment, and good for business. What once might have been considered an anomaly, you see here as a new way to look at environmentalism for the 21st century—representatives from utilities and the oil and gas industry partnering with members of environmental groups; Democrats and Republicans—all standing unified in an understanding that we must find a way to address the issues of climate change.

There are those who are concerned that this bill will pave the way for implementation of the Kyoto Protocol. This bill is neutral on the issue of the Kyoto Protocol and does nothing to implement that accord. Nor does this bill create any other domestic regulatory regime to address the issue of climate change. The purpose of this bill is to pave the way for voluntary actions by companies who are looking at major investments today, but who worry about being penalized tomorrow. Through these voluntary actions, this bill will result in demonstrable and measurable progress on greenhouse gas emissions and the issues associated with global climate change.

This bill embraces the principles of: (1) environmental progress through market-driven approaches; (2) flexibility allowing the creativity and innovation which have created the largest economy the world has ever seen; (3) non-bureaucratic methods focusing on results not progress; and finally (4) voluntary, not mandatory, efforts allowing us to work with those that can and are willing to contribute to the solution rather than concentrating on efforts on enforcing against those who cannot. In short, this bill embraces the legislative approaches of the 21st century to address this emerging environmental issue.

I would like to elaborate on how these important principles apply to this bill. Central to this bill is the concept of tradable emission credits, a market-based approach proven in the Acid Rain provisions of the 1990 Clean Air Act. Tradable credits allow the environmental objectives to be met at lower costs. To achieve these credits, companies are not constrained by pre-conceived methods of reducing greenhouse gas emissions. Rather, they

have the flexibility to develop agreements which are tailored to their unique situation. These types of agreements have been successfully used in energy efficiency initiatives. Credits are awarded for measured reductions against a company's historic releases. This results-oriented approach which rewards environmental benefits, not regulation savyness, is similar to the Second Generation approach several of my colleagues are exploring for improving environmental performance in general. Finally, this bill, by focusing on voluntary actions to meet society's needs, mirrors the successes many of our States and localities have had in addressing a wide range of domestic issues.

I am proud to join with my esteemed colleagues in introducing this innovative legislation, and I encourage all of my colleagues in the House to support our efforts.

#### SECTION-BY-SECTION ANALYSIS OF BILL

##### SECTION 1—TITLE AND TABLE OF CONTENTS

Section 2—Purpose. To encourage voluntary actions to mitigate potential environmental impacts of greenhouse gas emissions by ensuring that the emission baselines of participating companies receive appropriate credit. These credits for voluntary mitigation actions would be usable in any future domestic greenhouse gas emission program.

The purpose is to encourage voluntary actions, not to encourage a future domestic program. The bill is not tied to Kyoto or any specific international greenhouse gas agreement. Credits would be usable in any domestic program.

Section 3—Definitions. A number of terms are defined including a number of terms specific to the carbon sequestration portion of the bill.

Section 4—Authority for Voluntary Action Agreements. This section provides the authority for entering into these agreements to the President and allows delegation to any federal department or agency.

Section 5—Entitlement to Greenhouse Gas Reduction Credit for Voluntary Action. Provides authority for credits for: certain projects under the initiative for Joint Implementation program; prospective domestic actions (includes a significantly revised sequestration); and retrospective past actions.

This section includes a third party verification provision to the past actions.

This section also includes a Congressional notification provision when the amount of credits equals 350 million metric tons carbon equivalent. This provision is designed to preserve future Congress' options.

Section 6—Baseline and Base Period. This section provides guidance on developing baselines from which reductions are measured.

Section 7—Sources and Carbon Reservoirs Covered by Voluntary Action Agreements. This section explains how sources are calculated. This bill provides provisions for dealing with a company's growth. This section allows baseline adjustments to reflect a company's increased (or decreased) output, net of the general economic growth of the country. Thus, in effect, companies with major growth are rewarded by having their baselines increased, while the environment is protected by offsets from companies which are not growing. This section also includes guidance on "outsourcing", where companies contract out portions of their work, thus reducing their emissions (but increasing the contractor's emissions) while increasing their production (thus raising their baselines).

Section 8—Measurement and Verification. This section provides the reporting responsibilities of participants.

Section 9—Participation by Manufacturers and Adopters of End-Use, Consumer and Similar Technologies. This section provides guidance for manufacturers of products sold to consumers, such as autos, refrigerators, and computers. Use of these products contribute substantially to the overall green house gas emissions. However, without this section, energy efficiency improvements in these areas would not be captured in the voluntary program. This section provides incentive for manufacturers of these products to increase their energy efficiency and other emission reductions efforts in the products they produce.

Section 10—Carbon Sequestration. This section provides guidance on what carbon sequestration projects qualify for voluntary action credits. This guidance is designed to ensure scientifically acceptable methods are utilized in designing these projects, as well as requirements for monitoring, reporting and verification. Credits for carbon sequestration are limited to 20% of all credits available under this act.

Section 11—Trading and Pooling. This provides authority for trading credits and arranging pooling agreements among participants. The pooling authority can provide a means for small businesses and others to participate.

Section 12—Relationship to Future Domestic Greenhouse Gas Regulatory Statute. This provision gives the companies the guarantees they need that these actions will be applicable to any future program that could be authorized by the Congress.

#### TRIBUTE TO FEDERAL JUDGE KENNETH K. HALL OF WEST VIRGINIA

##### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. RAHALL. Mr. Speaker, I rise today to pay tribute to, and to celebrate the life of Federal Judge Kenneth K. Hall of West Virginia.

Kenneth K. Hall, who was born in Boone County, West Virginia, died at the age of 81 at his home in West Virginia after a 47 year distinguished career as a State and Federal judge. He began his service to our State and the Nation when he became a circuit judge in the county of his birth in 1952 at the age of thirty-three. He was appointed to his federal judge's post in 1971 by President Nixon.

Five years later, Judge Hall was named to the 4th U.S. Circuit Court of Appeals in Richmond, Virginia, comprised of West Virginia, Maryland, North Carolina and South Carolina.

Well-known for his humor, his wisdom, his straightforward manner and understanding of West Virginians, he is best known for the precedent-setting decision he made in 1995 when he wrote the majority decision that rejected efforts by The Citadel—a Charleston, South Carolina military college—to ban female cadets from attending the college.

The man who made the decision in the case of The Citadel, was a man who had the courage of his convictions. He had honed his skills as a Federal judge early in his career in West Virginia, when he outlawed the State's existing abortion law and presided over a violent school textbook controversy (the Kanawha County Textbook case).

He also presided over a class action lawsuit against Pittston Coal Company, over the tragic

1973 Buffalo Creek Flood which resulted in the deaths of 125 West Virginians and wiped out a small town. The lawsuit ended with a \$13.5 million settlement for 625 plaintiffs.

Upon learning of his death, U.S. Senator ROBERT C. BYRD said that "he was someone on whom I could always rely for straightforward, no-nonsense advice . . ." This statement has been made by the many, many friends he left behind and who remember him with reverence and deep respect.

Before becoming a judge, Kenneth Hall served as Mayor of Madison in his home county of Boone, when in 1968 he ran unsuccessfully for the State Supreme Court—but he persevered and went on to serve as a hearing examiner for the Social Security Administration before his elevation to the federal bench.

Judge Hall is survived by his wife, Gerry, and his son Keller. Our thoughts and prayers go out to them, and we keep them and all West Virginians in our hearts as they mourn the loss of Judge Hall's incisive humor, his masterful storytelling, and his deep and compassionate understanding of the people he loved and served so well.

#### TRIBUTE TO THE LANERI FAMILY AND THE O.B. MACARONI COMPANY

##### HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Ms. GRANGER. Mr. Speaker, I know the U.S. House of Representatives will join me in recognizing a family, company, and corporate citizen of Fort Worth who, for the past 100 years, have not only been significant contributors to the Fort Worth community and the state of Texas but have also made the best pasta this side of Italy. The Laneri family and O.B. Macaroni Company have been a cornerstone of the Fort Worth community; and, as they celebrate their 100th anniversary this year, they are doing so in grand fashion by donating thousands of pounds of pasta to those in need in North Texas and around the world. I want to take this opportunity to recognize the Laneri family, owners and managers of O.B. Macaroni Company, for their longtime contribution to the well being of the community.

An outstanding corporate citizen of Fort Worth, this family firm was founded in 1899. From the beginning, John B. (J.B.) Laneri, the family patriarch who came to Fort Worth in 1882, was the link between the company and the community.

In 1905, O.B. Macaroni Company was incorporated and J.B. Laneri became president. He was an early member of the Board of Trade, Director of the Fort Worth National Bank from 1902, and a noted philanthropist and local booster until his death in 1935. His home, built in 1921 at 902 S. Jennings Ave., is on the Texas Historical Register.

Located at the hub of the vast railroad network which reaches out of Fort Worth, the O.B. Macaroni Company shipped its popular products all across America, as well as provided secure and constant employment to the neighborhood.

The company grew; and in 1907 J.B.'s nephew, Louis Laneri, came to Fort Worth

from New York City to join the firm. The business continued to expand; and in the 1930s Louis's sons, John and Carl, went to work for the thriving pasta company.

Built on strong ties to family and community, the Fort Worth Macaroni Company became one of the leading regional pasta manufacturers and is the only company of its kind still existing in the South and Southwest.

The fourth generation of the Laneri family, Louis II and Carlo, continues the pasta operation on the south side of town. Working at the company from their teens, both returned to the family enterprise after graduating from college (Texas Wesleyan University and Stephen F. Austin University, respectively).

Louis Laneri, representing O.B. Macaroni, is a member of the Board of Directors of the National Pasta Association and a member of the DFW Grocers Association, the Food Salesman's Association, and the Food Processors Association.

Carrying on a tradition of giving back to the community, the family donates regularly to the Tarrant County Food Bank, the Women's Haven of Tarrant County, and various Fort Worth social and religious causes and programs, including education in the Roman Catholic Diocese of Fort Worth.

Once again, Mr. Speaker, I want to congratulate and thank the Laneri family and the O.B. Macaroni Company for 100 years of success. Fort Worth is a better place thanks to their family unity, hard work, and charity over the past century.

#### ENDING MILITARY USE OF VIEQUES AND RETURNING IT TO THE PEOPLE OF PUERTO RICO

#### HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. DIAZ-BALART. Mr. Speaker, I rise to commend the hard work of the Special Commission on the Situation of Vieques, which recently delivered its final report to the Governor of the Commonwealth of Puerto Rico. I would especially like to recognize the Honorable Anibal Acevedo Vila, who very ably served on this commission representing the Popular Democratic Party, for his tireless efforts on behalf of the people of Vieques as well as the general population of Puerto Rico.

The conclusion reached by the Special Commission is that the U.S. Navy must cease its activities on the island of Vieques and return the occupied territory to the people of Vieques as soon as possible. I am pleased to note that the Governor of Puerto Rico agreed with the report's findings and recommendations and adopted them as Administration policy.

I have reviewed the report and was very impressed by the Commission's extensive research and findings. I have the report available for Members of Congress and urge all to call me for copies, and if not for the page limit, I would publish it at this point in the CONGRESSIONAL RECORD.

Again, my congratulations to the Special Commission on the Situation of Vieques for their fine work in investigating U.S. Naval operations on the island.

#### CITIZENS MEMORIAL HEALTH CARE FACILITY

#### HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. BLUNT. Mr. Speaker, I rise today to publicly congratulate the board of directors, administrative staff and employees of the Citizens Memorial Health Care Facility in Bolivar, Missouri for their outstanding vision, dedication and effort in attaining Merit Status in OSHA's Voluntary Protection Program. The 111 bed licensed skilled nursing facility located in Missouri's Seventh Congressional District joins over 400 other businesses in our nation in participation in this program. However this recognition is unique because this is the first skilled nursing care facility in the Nation to achieve this high level of safety compliance.

The designation was granted after an intensive 15 month-self study by employees at all levels followed by a rigorous five day comprehensive review visit by OSHA inspectors who found the facility to be fully in compliance with all regulations.

According to OSHA this designation means that the health and safety practices and procedures developed by CMHCF are models within the nursing care industry, and that the facility is preparing itself for even higher levels of health and safety compliance.

I would also point out that this outstanding achievement is the result of a cooperative effort between public and private entities rather than a unilateral regulatory effort on the part of a lone federal agency. To quote OSHA "This concept recognizes that compliance enforcement alone can never fully achieve the objectives of the Occupational Safety and Health Act. Good safety management programs that go beyond OSHA standards can protect workers more effectively than simple compliance."

This commitment to excellence in the care of its patients and employees is part of an overall culture of caring that is being recognized by a variety of outside agencies. For example, CMHCF is only one of seven facilities in the state that the Missouri Division of Aging has found to be deficiency free for six years or longer.

I express my appreciation, and that of all my colleagues, to Board President Dave Strader, Executive Director Don Babb, and Facility Administrator Jeff Miller for their leadership in bringing this national recognition to Bolivar Missouri and the Seventh Congressional District.

#### 1999 EXCELLENCE IN BUSINESS AWARDS

#### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the recipients of the fourth annual Excellence in Business Award for their high ethical standards, corporate success and growth, employee and customer service, and concern for the environment.

Award winners include many types of businesses from the Valley: agriculture; charities;

finance; banking and insurance; health care; manufacturing; professional services; real estate and construction; nonprofit organizations; small businesses; retail and wholesale.

The 1999 Excellence in Business Award winners are: Joseph Gallo Farms-Agriculture, Big Brothers/Big Sisters of Fresno, Kings and Madera Counties Inc.-Charitable, Valley Small Business Development Corp.-Financial/Banking/Insurance, The Fresno Surgery Center-Healthcare, National Diversified Sales-Manufacturing, San Joaquin River Parkway and Conservation Trust-Nonprofit, Anthony C. Pings and Associates-Professional Services, Colliers Tingey International-Real Estate/Construction, Me-n-Ed's Pizzerias-Retail/Wholesale, McCombs and Associates-Small Business, and Samuel T. Reeves-Hall of Fame.

Mr. Speaker, I want to congratulate each of the 1999 Excellence in Business Award winners for their leadership and contributions to the community. I urge my colleagues to join me in wishing all of the recipients many more years of continued success.

#### TRIBUTE TO THE JOHNSON FAMILY ON THEIR 25TH REUNION

#### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. PAYNE. Mr. Speaker, I rise to bring to the attention of my colleagues here in the United States House of Representatives a family rich in both history and tradition. I speak of the Johnson Family, who will gather on July 30th-August 1, 1999 to celebrate their 25th Annual Johnson Family Reunion.

The Johnson Family are descendants of the distinguished George Johnson of Lincolnton, Georgia. The theme for this year's reunion of the Johnson Family is "A Strong Foundation . . . Bridge To The New Millennium."

At a time when we constantly hear that family values are a thing of the past, the Johnson Family stands out as a shining example of the strong, enduring bonds of family. As we enter this new millennium, we indeed draw inspiration from the Johnson family and their commitment to each other and to the betterment of society.

Mr. Speaker, I call upon all of my colleagues to join me in congratulating the Johnson Family as generations young and old gather for this special occasion. May their 25th family reunion be a successful event full of happy memories which they will carry to the new millennium.

#### INTRODUCTION OF THE EDUCATING AMERICA'S GIRLS ACT OF 1999, H.R. 2505

#### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. KILDEE. Mr. Speaker, I am pleased to introduce The Educating America's Girls Act of 1999, or the Girls Act, along with Representatives NANCY JOHNSON, WILLIAM CLAY, CONNIE MORELLA, LYNN WOOLSEY, and many of my other colleagues today.

In 1994, I worked very closely with the American Association of University Women (AAUW) and the National Coalition for Women and Girls in Education (NCWGE) to ensure that the Elementary and Secondary Education Act (ESEA) responded to gender-related differences in educational needs in order for each student to reach his or her full educational potential. Due to the changes adopted in the 1994 ESEA reauthorization, gender equity is a major theme throughout the current ESEA including: requiring professional development activities to meet the needs of diverse students, including girls; encouraging professional development and recruitment activities to increase the numbers of women math and science teachers; having sexual harassment and abuse as a focus of the Safe and Drug-Free Schools Act; and reauthorizing the Women's Educational Equity Act (WEEA), which funds research and programs to achieve educational equity for women.

The Girls Act responds to findings in the 1998 AAUW Educational Foundation Report, *Gender Gaps: Where Schools Still Fail Our Children*, which identified a number of areas where the educational needs of girls are still unmet. The Girls Act seeks to prepare girls for the future by: employing technology to compensate for different learning styles and exposing technology to disadvantaged groups, including girls; reducing the incidence of sexual harassment and abuse in schools; gathering data on the participation of girls in high school athletics programs; keeping pregnant and parenting teens in school; and reauthorizing the Women's Educational Equity Act (WEEA).

Education technology, which is being increasingly integrated into the curriculum of schools, is a new arena in which we must ensure that girls are not at a disadvantage. While the gaps in math and science achievement have narrowed for girls in the past six years, a major new gender gap in technology has emerged. While boys program and problem-solve with computers, girls use them for word processing—the 1990s version of typing. Little attention has been given to how the computer technology gender gap may impact girls' and boys' educational development. We need to dismantle the virtual ceiling now, before it becomes a real-life barrier to girls' futures.

Gender Gaps found that girls, when compared to boys, are at a significant disadvantage as technology is increasingly incorporated into the classroom. Girls tend to come to the classroom with less exposure to computers and other technology, and girls believe that they are less adept at using technology than boys. Girls tend to have a more "circumscribed, limited, and cautious" interaction with technology than boys. Schools can assist girls in developing a confident relationship with technology by integrating digital tools into the curriculum so girls can pursue their own interests.

Gender Gaps warned that gender differences in the uses of technology must be explored and equity issues addressed now, before bigger gaps develop as computers become an integral part of teaching and learning in the K–12 curriculum. This is especially true considering that by the year 2000, 65 percent of all jobs will require technology skills. Current law lacks assurances that federal education programs will compensate for girls' dif-

ferent learning styles and different exposures to technology. I believe that federal education technology programs should be designed to better prepare girls for their future careers. The Girls Act requires states and local school districts to incorporate technology requirements in teacher training content and performance standards, to provide training for teachers in the use of education technology, and to take into special consideration the different learning styles and different exposures to technology for girls.

Sexual harassment and abuse is a serious issue for the education of women and girls and should be a focus in the broader context of safety in our schools. The vast majority of secondary school students experience some form of sexual harassment during their school lives, with girls disproportionately affected. Sexual harassment is widespread and affects female students at all levels of education, including those in elementary and secondary schools. The AAUW Educational Foundation's 1993 survey of 8th through 11th grade students on sexual harassment in schools, *Hostile Hallways: The AAUW Survey on Sexual Harassment in America's Schools*, shows that the vast majority of secondary school students experienced some form of sexual harassment and that girls are disproportionately affected. While data on the incidence of sexual harassment is scant, *Hostile Hallways* found: 85 percent of girls experienced some form of sexual harassment; 65 percent of girls who have been harassed were harassed in the classroom and 73 percent of girls who have been harassed were harassed in the hallway of their school; a student's first experience of sexual harassment is most likely to occur in 6th to 9th grade; most girls were harassed by a male acting alone or a group of males; and 81 percent of girls who have been harassed do not report it to adults.

A 1996 University of Michigan study showed that sexual harassment can result in academic problems such as paying less attention in class and *Hostile Hallways* found that 32 percent of girls do not want to talk as much in class after experiencing harassment. Thirty-three percent of girls do not want to go to school at all due to the stress and anxiety they suffered as a result of the sexual harassment. Nearly 1 in 4 girls say that harassment caused them to stay home from school or cut a class.

We know little else about the extent of sexual harassment or even the nature and extent of more serious sexual crimes in schools. The Safe and Drug-Free Schools and Communities Act (SDFSCA) requires the National Center for Education Statistics (NCES) to collect data on violence in elementary and secondary schools in the United States. However, these reports provide only a very limited picture of sexual offenses in schools because they only capture data on rape or sexual battery reported to police. Further, school crime victimization surveys do not include questions on threats or abuse that are sexual in nature.

Sexual harassment in schools is illegal, a form of sexual discrimination banned under Title IX of the Education Amendment of 1972. On the 25th anniversary of Title IX, a report by NCWGE found that less progress was made in the area of sexual harassment than in any other gender equity issue in education. NCWGE concluded that few schools have sexual harassment policies, or effectively enforce them. In addition to calling for more in-

tensified Office of Civil Rights enforcement, NCWGE called on schools to adopt comprehensive policies and programs addressing sexual harassment.

The Girls Act affords an opportunity to greatly reduce the incidence of sexual harassment by gathering data on these often hidden offenses and providing programs to prevent sexual harassment and abuse. As 65 percent of sexual harassment in schools occurs in the classroom, the Girls Act trains teachers and administrators to recognize sexual harassment and develop prevention policies to greatly reduce incidences of sexual harassment and abuse in schools.

Equal access to education for girls means equal access to opportunities for athletic participation in our schools, particularly our high schools. Unfortunately, nationwide data measuring the participation of girls in physical education and high school athletics programs is very limited. Data on girls' participation in physical education and high school athletics programs must be collected and regularly reported by the U.S. Department of Education in order to determine whether girls are fully participating in these activities. Participation in high school athletics programs is important for girls because research has shown that it improves girls' physical and mental health. Additionally, for some girls, high school athletic participation can translate into college scholarships. However, currently there is very little data on high school athletic opportunities for girls to ensure that girls' interests are being met.

A study by the President's Council on Physical fitness and Sports recently found that girls playing sports have better physical and emotional health than those who do not. The study also found that higher rates of athletic participation were associated with lower rates of sexual activity and pregnancy. Other studies link physical activity to lower rates of heart disease, breast cancer, and osteoporosis later in life. Sports build girls' confidence, sense of physical empowerment, and social recognition within the school and community.

Many girls who participate in high school athletics programs receive college scholarships. Girls who have pursued athletic opportunities have received solid encouragement from parents, coaches, and teachers. By participating in high school athletics programs, girls increase their chances at receiving a college scholarship. For many girls, a college scholarship is the only way they can pursue higher education. The Girls Act requires the National Center on Education Statistics to collect data on the participation of high school students in physical education and athletics programs by gender.

Education is the means for all girls, including pregnant and parenting teens, to achieve economic self-sufficiency. Despite strides in making education accessible to girls, dropping out of school remains a serious problem. Five out of every 100 young adults enrolled in high school remains a serious problem. Five out of every 100 young adults enrolled in high school in 1996 left school without successfully completing a high school program. In October of 1997, 3.6 million young adults, or 11 percent of young adults between the ages of 16 and 24 in the United States, were neither enrolled in a high school program nor had they completed high school. Girls who drop out are less likely than boys to return and complete school.

Twenty-five years after the enactment of Title IX, pregnancy and parenting are still the most commonly cited reasons why girls drop out of school. The United States has the highest teen pregnancy rate of any industrialized nation. Almost one million teenagers become pregnant each year and 80 percent of these pregnancies are unintended. Two-thirds of girls who give birth before age 18 will not complete high school. Further, the younger the adolescent is when she becomes pregnant, the more likely it is that she will not complete high school. The Girls Act strengthens support for programs to keep pregnant and parenting teens in school to earn a high school diploma.

Finally, the Women's Educational Equity Act (WEEA) represents the federal commitment to helping schools eradicate sex discrimination from their programs and practices and to ensuring that girls' future choices and success are determined not be their gender, but by their own interests, aspirations, and abilities. Since its inception in 1974, WEEA has funded research, development, and dissemination of curricular materials; training programs; guidance and testing activities; and other projects to combat inequitable educational practices. The Girls Act reauthorizes WEEA.

Mr. Speaker, up to this point I have primarily focused my efforts on strengthening accountability, teacher quality, class-size reduction and school safety, but I intend to seed the incorporation of many of the Girls Act provisions in our efforts to reauthorize ESEA. By working together, we can ensure that the educational needs of both boys and girls are met in the 1999 reauthorization of the Elementary and Secondary Education Act so that the adults of tomorrow will be prepared to compete in the ever-changing global economy of the 21st century.

Mr. Speaker, I am proud to introduce the Educating America's Girls Act of 1999 today and urge my colleagues to support this important legislation.

#### FALSE CLAIMS ACT

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 14, 1999*

Mr. BERMAN. Mr. Speaker, I submit the following for the RECORD:

Hon. JANET RENO,  
Attorney General of the United States,  
U.S. Department of Justice,  
Washington, DC.

DEAR MADAM ATTORNEY GENERAL:

As you know, we are the principal House and Senate sponsors of the 1986 Amendments to the False Claims Act, 31 U.S.C. § 3729, et seq. ("the Amendments"). We have watched with pride the remarkable success of the amendments in bringing to the attention of the federal government hundreds of cases of fraud. We are particularly pleased with the qui tam provisions of the Amendments, which have resulted in cases that have returned \$2.3 billion to the federal Treasury.

With dismay, however, we have watched the federal courts interpret several sections of the Amendments in ways that directly contravene Congressional intent, and, of even greater significance, discourage and foreclose potential relators from bringing meritorious cases. In particular, we are extremely concerned with the courts' crabbed

interpretations of the public disclosure bar—§ 3730(e)(4)(A) and (B). That provision, which was drafted to deter so-called "parasitic" cases, has been converted by several circuit courts into a powerful sword by which defendants are able to defeat worthy relators and their claims. If this trend continues, we fear that the very purpose of the Amendments—"to encourage more private enforcement suits"—ultimately will be undermined. See S. Rep. No. 99-345, at 23-24 (1986).

Thus, we believe it is imperative that the Department of Justice ("the Department") adopt and adhere publicly to an interpretation of the public disclosure bar that comports with the plain meaning of the statute and the Congress' obvious intent. The Department's role in this regard is critical. First, of course, the Department is often involved as a party in cases where the public disclosure bar is raised, and it is entitled and expected to make its views known. Even in cases where the Department determines not to intervene, Congress intended for the Department to be involved in monitoring cases, in part to address questions significant to the ongoing operation of the statute. See e.g. § 3730(c)(3) and (c)(4). Finally, as the agency charged, in effect, with the administration of the False Claims Act, the courts are likely to accord significant deference to the Department's interpretation of the Act, and we believe the Department has an obligation to the Congress and to the courts to articulate those views.

With this letter, we intend to provide a detailed explanation of our view of the public disclosure bar, focusing in particular on some of the cases where we believe the courts have misinterpreted the law. In order to place that discussion in context, we want first to explain the origin and significance of the public disclosure bar so that the cases can be viewed in light of Congress' intent.

The public disclosure bar is intertwined inextricably with the history of the qui tam provisions of the statute. From its enactment in 1863, the False Claims Act allowed a relator to bring a qui tam action even if the Government already knew of, investigated and even criminally prosecuted the identical fraud. Such parasitic suites, made infamous in the Supreme Court's decision in *Marcus v. Hess*, 317 U.S. 537 (1943), allowed relators to recover if they "contributed nothing to the discovery of this crime." *Id.* At 545. To correct that obvious inequity, Congress enacted the government knowledge bar in 1943, which prohibited qui tam suits based on information in the Government's possession. The government knowledge bar, however, was interpreted too broadly by the courts. If information about fraud was in a file somewhere in the vast federal bureaucracy, a qui tam case was barred even if the government was unaware of the information in its files or had done nothing to pursue it. Indeed, one court held that even if it was the relator him or herself who had reported the fraud to the federal government, their case was precluded on the theory that the government had knowledge of the fraud before the relator filed their case. See, e.g. *United States ex rel. State of Wisconsin v. Dean*, 729 F.2d 1100 (7th Cir. 1984).

The 1986 Amendment sought to restore some balance between these two extreme regimes. Unquestionably, Congress wanted to prohibit qui tam cases that merely copies a federal criminal indictment and to allow those in which the relator simply informed the government of their allegations before filing suit. But there is considerable terrain between these two poles, and it is here that the courts seem to get lost. The key to navigating the public disclosure bar successfully is understanding Congress' purpose is enacting the Amendments.

Three goals inspired the 1986 Amendments. First and foremost, Congress wanted to encourage those with knowledge of fraud to come forward. Second, we wanted a mechanism to force the government to investigate and act on credible allegations of fraud. Third, we wanted relators and their counsel to contribute additional resources to the government's battle against fraud, both in terms of detecting, investigating and reporting fraud and in terms of helping the government prosecute cases. The reward to the relator is for furthering these goals.

In reversing the old government knowledge bar, however, we wanted to continue to preclude qui tam cases that merely repackage allegations the government can be presumed already to know about because they were disclosed publicly either in a federal proceeding or in the news media. The reason is simple: if the relator simply repeats allegations that he or she heard from someone else and about which the government is already aware and taking action, the relator contributes nothing to the government's efforts to combat fraud. Accordingly, in the 1986 Amendments, we provided that a qui tam case is barred if the relator has based his or her filing upon publicly disclosed allegations unless the relator already has provided information concerning the allegations to the government before filing suit.

Certain courts have exploded this limited bar in ways that mock the very purpose and intent of the 1986 Amendments. A recent case is illustrative. In *United States ex rel. Jones v. Horizon Healthcare Corp.*, No. 97-1635, the Sixth Circuit Court of Appeals held that Ms. Jones' qui tam action was barred because, before she filed her case, she had filed an application for unemployment insurance with the Michigan Employment Security Commission. Her application stated that she had been fired after reporting to her supervisor at Horizon HealthCare that she believed several claims prepared for submission to Medicare were false. The Court held that Ms. Jones' unemployment application was a public disclosure within the federal government prior to filing her action, her suit was barred.

In both its reasoning and its outcome, *Jones* strays far from the policies that underlie the public disclosure bar. First, as you know, 3730(e)(4)(A) specifically limits a public disclosure to "allegations or transactions" disclosed in a "criminal, civil, or administrative hearing, in a Congressional, administrative, or Government Accounting Office report, hearing, audit or investigation, or from the news media." That list is exclusive, as many of the courts to have considered the question agree. See *U.S. ex rel. Dunleavy v. County of Delaware*, 123 F.3d 734, 744 (3rd Cir. 1997) (recognizing the "prevailing view is that this list constitutes an exhaustive rendition of possible sources.") Only an absurdly broad definition of an "administrative hearing" would put an application for unemployment insurance on that list. And Congress did not intend to enact absurdities.

We did intend, and any fair reading of the statute will confirm, that the disclosure must be in a federal criminal, civil or administrative hearing. Disclosure in a state proceeding of any kind should not be a bar to a subsequent qui tam suit. The reason is grounded in the history of the FCA and the policies underlying the 1986 Amendments that we just reviewed. One thing is common to the law throughout its history. It was the Federal Government's knowledge of fraud that triggered the government knowledge bar; it was the federal government's indictment in *Marcus v. Hess* that formed the basis of the parasitic suit. Thus, when it enacted the public disclosure bar in 1986, Congress

was concerned about what the federal government knew about fraud, that is, whether the federal government had in its possession sufficient information to investigate and pursue allegations of fraud, and whether that information was sufficiently publicized so that the federal government would be forced to act or explain why it chose not to act. As was noted in the Senate Report on the Amendments: "Unlike most other types of crimes or abuses, fraud against the Federal Government can be policed by only one body—the Federal Government." S. Rep. 99-345 at 7. To suggest that Congress was concerned with disclosure to anyone other than the federal government when it enacted the public disclosure bar is to ignore history. And to suggest, as the Sixth Circuit held in *Jones*, that disclosure of fraud to a state agency on an application for unemployment is likely to alert the federal government to fraud is to ignore common sense.<sup>1</sup>

Unfortunately, *Jones* is by no means an isolated example. U.S. ex rel. *Fine v. Advanced Sciences, Inc.*, 99 F.3d 1000 (10th Cir. 1996) is an equally egregious example of judicial overreaching. In *Advance Sciences*, the Tenth Circuit held, first, that the listed sources in §3730(3)(4)(A) were not the exclusive means of public disclosure—a holding which, as we have noted already, is simply wrong. The Court went on, however, to hold that a public disclosure occurs whenever the allegations or transactions are provided to any member of the public who is a "stranger to the fraud." In Mr. *Fine's* case, the stranger was a representative of the American Association of Retired Persons counseling Mr. *Fine* with respect to a potential age discrimination claim. By public disclosure, we meant disclosure to the public at large, not just one member of the public and certainly not to a confidential counselor. U.S. ex rel. *John Doe v. John Doe Corp.*, 960 F.2d 318 (2nd Cir. 1992), reached a similarly untenable result, holding that disclosure of a government investigation of fraud to the employees of the defendant corporation was during their interviews with government investigators a public disclosure within the meaning of the False Claims Act.

Finally, in this regard, we want forcefully to disagree with cases holding that qui tam suits are barred if the relator obtains some, or even all, of the information necessary to prove fraud from publicly available documents, such as those obtained through a Freedom of Information Act (FOIA) request. See ex rel. *Schumer v. Hughes Aircraft Co.*, 63 F.3d 1512, 1520 (9th Cir. 1995), (finding that a public disclosure would occur only if the relator makes a FOIA request and receives the information requested). We believe that a relator who uses their education, training, experience, or talent to uncover a fraudulent scheme from publicly available documents, should be allowed to file a qui tam action. Cases such as U.S. ex rel. *Stinson, Lyons, Gerlin & Bustamante, P.A. v. Prudential Ins. Co.*, 944 F.2d 1149, 1150 (3rd Cir. 1991), which held that a "relator must possess substantive information about the particular fraud, rather than merely background information which enables a putative relator to understand the significance of a publicly disclosed transaction or allegation [.]" undermine Congress' explicit goals. If, absent the relator's ability to understand a fraudulent scheme, the fraud would go undetected, then we should reward relators who with their talent and energy come forward with allegations and file a qui tam suit.<sup>2</sup> This is especially true where a relator must piece together facts exposing a fraud from separate documents.

The consequences of these decisions are alarming. Fraud may well go unpunished and, as a practical matter, undetected. Relators, like Ms. *Jones*, who are fired from their jobs because they blew the whistle on fraud and then take the not unreasonable step of applying for unemployment insurance will be told by their lawyers that their qui tam case is barred. Congress never intended to force relators to choose between filing a qui tam case and providing for themselves and their families.

The *Jones* case highlights one aspect of the public disclosure bar that has been widely misinterpreted by the courts—the question of what constitutes public disclosure. Unfortunately, other issues involving the public disclosure bar also need to be addressed. A second issue concerns how much information needs to be disclosed in order to constitute a disclosure of "allegations or transactions." On this question, some, but by no means all, of the courts have held appropriately that in order to trigger the bar, the disclosure must include all of the essential elements of the fraud against a specifically identified defendant. As the Eleventh Circuit observed in U.S. ex rel. *Cooper v. Blue Cross and Blue Shield*, 19 F.3d 562, 566 (11th Cir. 1994): "Requiring that allegations specific to a particular defendant be publicly disclosed before finding the action potentially barred encourages private citizen involvement and increases the changes that every instance of specific fraud will be revealed. To hold otherwise would preclude any qui tam suit once widespread—but not universal—fraud in an industry was revealed." See also U.S. ex rel. *Lidethan v. General Dynamics Corp.*, 61 F.3d 1402 (9th Cir. 1995) cert. denied 517 U.S. 1104 (1996) (disclosures that make no mention of specific defendant insufficient to invoke bar).<sup>4</sup>

Not only must the particular defendant be identified, so too must all of the elements necessary to bring a fraud action. As the D.C. Circuit explained in U.S. ex rel. *Springfield Terminal Ry. Co. v. Quinn*, 14 F.3d 645 (D.C. Cir. 1994), "Congress sought to prohibit qui tam actions only when either the allegation of fraud or the critical elements of the fraudulent transaction themselves were in the public domain." Bits and pieces of information about a defendant and some of its actions—even when publicly disclosed—rarely add up to an allegation of fraud. There must be "enough information \* \* \* in the public domain to expose the fraudulent transaction." U.S. ex rel. *Rabushka v. Crane Co.*, 40 F.3d 1509, 1513-14 (8th Cir. 1994) quoting *Springfield*, 14 F.3d at 65. To hold otherwise, as some courts have, would undermine the stated purposes of the False Claims Act.

"Embracing too broad a definition of 'transaction' threatens to choke off the efforts of qui tam relators in their capacity as 'private attorneys general.' By allowing [qui tam] complaint[s] to proceed beyond the jurisdictional inquiry, we help ensure that private actions designed to protect the public fisc can proceed in the absence of governmental notice or potential fraud. This is not the type of case that Congress sought to bar, precisely because the publicly disclosed transactions involved do not raise such an inference of fraud."—*Id.*, at 1514.

The last issue we want to raise with respect to public disclosure concern the "original source" exception to the bar. The public disclosure bar applies "unless the action is brought by the Attorney General or the person bringing the action is an original source of the information" 31 U.S.C. §3730(e)(4)(A). Section 3730(e)(4)(B) defines "original source" as a relator with "direct and independent knowledge of the information on which the allegations are based who has voluntarily provided the information to the Government before filing an action under

this section which is based on the information." This provision, too, is a source of considerable confusion and controversy in the courts. Again, however, what Congress intended when it drafted the original source exception is easy to discern both from the statute itself and from its legislative history.

First, the language of the statute makes plain that by "original source," Congress meant an original source of information provided to the government and did not, as some courts have held, add an additional requirement that the relator also be the original source of the public disclosure that triggers the bar. See, e.g., U.S. ex rel. *Dick v. Long Island Lighting Co.*, 912 F.2d 13 (2d Cir. 1990); U.S. ex rel. *Wang v. FMC Corp.*, 975 F.2d 1412, 1418 (9th Cir. 1992). There is no statutory nor logical linguistic connection between an original source and the public disclosure that triggers the bar. Of course, a relator could be an original source of the information publicly disclosed, if the relator first provided the information to the Government.

Nor is there any policy rationale that would justify such an interpretation of the original source provision. When Congress enacted the original source provision, we had in mind a scenario where an individual reports fraud to the government and then there is a subsequent public disclosure of the allegations or transactions before that person has filed a qui tam complaint. The disclosure could be, for example, a criminal indictment brought by the Government as a result of the relator's information. It could also be a press story, based on a leak from a Government investigation or an enterprising reporter's investigative skills. Under these circumstances, the relator would not be barred from bringing a qui tam case. To the contrary, he or she should be rewarded for bringing to the Government information about the fraud.

Defendants have also sought the dismissal of relators by urging that "direct and independent knowledge" somehow requires the relator to be an eyewitness to the fraudulent conduct as it occurs. To the contrary, as the Eleventh Circuit concluded in *Cooper v. Blue Shield of Florida, Inc.*, 19 F.3d 562 (1994) a relator's knowledge of the fraud is "direct and independent" if it results from his or her own efforts. For example, a relator who learns of false claims by gathering and comparing data could have direct and independent knowledge of the fraud, regardless of his or her status as a precipitant witness.

In light of these policies, it should not be surprising that we support emphatically the courts that have held that §3730(e)(4)(B) does not require that the qui tam relator possess direct and independent knowledge of "all of the vital ingredients to a fraudulent transaction." *Springfield*, 14 F.3d at 656-57. As Representative Berman explained, "A person is an original source if he had some of the information related to the claim which he made available to the government . . . in advance of the false claims being publicly disclosed." 132 Cong. Rec. 29322 (Oct. 7, 1986).

In closing, we want to urge you to consider seriously the Department's obligation to shape the courts' interpretation of the False Claims Act. We are frankly troubled by the fact that the majority of cases confronting the public disclosure bar are cases in which the Department has not intervened and in which there is no reference at all to the Department's views. To us, it appears that the courts take the Department's decision not to intervene in a case as a verdict on the merits of the relator's claims and are using the public disclosure bar in order to dismiss the case quickly. Even if some of those cases should be dismissed on the merits, we cannot countenance a tortured interpretation of the public disclosure bar to reach a desired result.

<sup>1</sup>Footnotes appear at end of letter.

Moreover, if the public disclosure provisions continue to be misinterpreted, relators and their counsel will be deterred from filing truly meritorious claims.

Further, not all of the cases in which the public disclosure bar is raised are those in which the government has declined to intervene. Defendants make public disclosure motions after the government has joined a case, and they do so for only one reason: to deprive the government of the resources that relators and their counsel bring to the case. Yet in those cases, too, the Department is typically silent, refusing to take a position on the public disclosure issue. That stance, too, may well undermine Congress' expressed intent.

One of the principal goals of the 1986 Amendments was to ameliorate the "lack of resources on the part of Federal enforcement agencies." S. Rep. 99-345 at 7. That was one of the reasons we strengthened the *qui tam* provisions of the law. Thus, we expected some meritorious cases to proceed without the Government's intervention, and we fully expected that the Government and relators would work together in many cases to achieve a just result. By dismissing relators based on spurious interpretations of the public disclosure bar, the courts are depriving the government of these additional resources. And those resources have been considerable. In numerous cases, relators and their counsel have contributed thousands of hours of their time and talent and spend hundreds of thousands of their own dollars investigating and pursuing their allegations. The Department must act to protect those resources, even in cases where it has not intervened. When a question of statutory interpretation arises, particularly with respect to the public disclosure bar, the Department must make its views known to the court. As we stated emphatically at the time the Amendments were adopted, Congress enacted the Amendments based on the belief that "only a coordinated effort of both the Government and the citizenry will decrease this wave of defrauding public funds." We continue to hold that view.

Sincerely,

HOWARD L. BERMAN,  
Member of Congress.  
CHARLES E. GRASSLEY,  
U.S. Senator.

#### FOOTNOTES

<sup>1</sup>The same is true for civil complaints filed in state court or discovery obtained as a result of state court proceedings, which several Circuits have held constitute public disclosures within the meaning of §3720(3)(4)(A). See e.g. U.S. ex rel. *Kreindler & Kreindler v. United Technologies Corp.*, 985 F.2d 1148, 1158 (2d Cir.), cert. denied, 113 S.Ct. 2962 (1993) (holding that discovery materials contained in unsealed court records was "publicly disclosed"); U.S. ex rel. *Stinson, Lyons, Gerlin & Bustamante v. Prudential Ins. Co.*, 944 F.2d 1149, 1155-56 (3d Cir. 1991) (holding that the disclosure of discovery material—even if not filed in court—constitutes a public disclosure). We believe those cases are wrongly decided. Disclosure of fraud in a state court proceeding, even a state criminal proceeding, is unlikely to get to the attention of the federal government, unless it is publicized in the news media, a contingency the public disclosure bar addresses.

<sup>2</sup>Some courts do get it right. In U.S. ex rel. *Fallon v. Accudyne Corp.*, 921 F.Supp. 611 (W.D. Wisc. 1995), the court held that an audit report produced by a state agency did not constitute a public disclosure. "Under these circumstances there is no reason to believe that the United States would become aware of such information." *Id.*, at 625.

<sup>3</sup>Senator Grassley made a similar comment during the debate on the 1986 Amendments: "The publication of general, non-specific information does not necessarily lead to the discovery of specific, individual fraud which is the target of the *qui tam* action." False Claims Act Implementation: Hearing Before the Subcomm. On Admin. Law and Gov. Relations of the House Comm. On the Judiciary, 101st cong. 6 (1990) Statement of Senator Grassley.

## PRESCRIPTION DRUGS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Ms. Lee. Mr. Speaker, I rise to today in strong support of the President's plan to modernize and strengthen Medicare for the 21st century. This proposal will create an affordable prescription drug benefit program that will expand the accessibility and autonomy of all Medicare patients.

Currently, Medicare offers a very limited prescription drug benefit plan for the 39 million aged and disabled persons obtaining its services. Many of these beneficiaries have to supplement their Medicare health insurance program with a private or public health insurance in order to cover the astronomical costs not met by Medicare. Unfortunately, most of these plans offer very little drug coverage if any at all. Therefore, Medicare patients across the U.S. are forced to pay over half of their total drug expenses out-of-pocket. Due to these circumstances, patients do not get the adequate medication needed to successfully treat their conditions.

In 1995, we find that persons with supplementary prescription drug coverage used 20.3 prescriptions per year compared to 15.3 for those individuals lacking supplementary coverage. The patients without supplementary coverage are forced to compromise their health because they cannot afford to pay for the additional drugs they need. The quality and life of these individuals continues to deteriorate while we continue to limit their access to basic health necessities. The President's measure will tackle this problem by allowing our patients to purchase prescription drugs at a lower price.

Why should our patients have to continually compromise their health by being forced to decide which prescription drugs to buy and which drugs not to take, simply because of budgetary caps that limit their access to treat the health problems they struggle with? These patients cannot afford to pay these burdensome costs. We must work together to expand Medicare by making it more competitive, efficient, and accessible to the demanding needs of our patients. The federal government is expecting a surplus of \$2.9 trillion over the next 10 years. By investing directly in Medicare, we choose to invest in the lives, health, and future of our patients.

The House Committee on Government Reform conducted several studies identifying the price differential for commonly used drugs by senior citizens on Medicare and those with insurance plans. These surveys found that drug manufacturers engage in widespread price discrimination, forcing senior citizens and other individual purchasers to pay substantially more for prescription drugs than favored customers, such as large HMOs, insurance companies, and the federal government.

According to these reports, older Americans pay exorbitant prices for commonly used drugs for high blood pressure, ulcers, heart problems, and other serious conditions. The report reveals that the price differential between favored customers and senior citizens for the cholesterol drug Zocor is 213%; while favored customers—corporate, governmental, and institutional customers—pay \$34.80 for

the drug, senior citizens in the 9th Congressional District may pay an average of \$109.00 for the same medication. The study reports similar findings for four other drugs investigated in the study: Norvasc (high blood pressure): \$59.71 for favored customers and \$129.19 for seniors; Prilosec (ulcers): \$59.10 for favored customers and \$127.30 for seniors; Procardia XL (heart problems): \$68.35 for favored customers and \$142.21 for seniors; and Zoloft (depression): \$115.70 for favored customers and \$235.09 for seniors. If Medicare is not paying for these drugs, then the patient is left to pay out-of-pocket. Numerous patients are forced to gamble with their health when they cannot afford to pay for the drugs needed to treat their conditions. Every day, these patients have to live with the fear of having to encounter major medical problems because they were denied access to prescription drugs they could not afford to pay out of their pocket. Often times, senior citizens must choose between buying food or medicine. This is wrong.

Many Medicare patients have significant health care needs. They are forced to survive on very limited resources. They are entitled to medical treatments at affordable prices. The President's plan will benefit 31 million patients each year. This plan will address many of the problems relating to prescription drugs and work to ensure that patients have adequate access to their basic health needs. Let's stop gambling with the lives of Medicare patients and support this plan to strengthen and modernize Medicare for the 21st century.

## TRIBUTE TO VIKKI BUCKLEY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize the life and contributions of Vikki Buckley, Colorado's Secretary of State, who passed away this morning after suffering an apparent heart attack on Tuesday. Quoting a friend of hers, "Vikki's no longer in the hands of doctors. She's now in the arms of God."

Vikki, who proudly proclaimed herself to not be a hyphenated American, but a proud American. She held the distinction of being the first Black Secretary of State and the first Black Republican woman elected to a statewide constitutional office. Winning her first election by 57 percent to 36 percent in 1994, she was re-elected last November. Running for office for the first time, Vikki was selected for the Republican ballot after defeating several opponents at the Colorado Republican State Assembly in 1994. She distinguished herself from her opponents when she stood up and delivered one of the best speeches I've had the pleasure of hearing.

An outspoken conservative, Vikki served as the state's chief election official and traveled around the state and country continuing to speak out on varying issues of importance to her, enduring the wrath of liberals. Most recently, she gave the opening remarks at the National Rifle Association's annual meeting in Denver, CO. Her speech has been acknowledged nationwide and most insightful concerning the heart of humanity and the preservation of the entire Constitution of the United States, including the Second Amendment.

Mr. Speaker, I hereby submit Vikki's speech for the record.

WELCOMING REMARKS OF THE COLORADO SECRETARY OF STATE MS. VIKKI BUCKLEY

Good morning! I greet you as Secretary of State of Colorado and I welcome you to Colorado, a state where some of us believe strongly in the entire Constitution of these United States, including the Second Amendment.

Isn't it ironic that many who would run you out of town would themselves be unable to even vote had we as a nation not honored all provisions of the United States Constitution?

To them I say—shame on you!

I stand before you today as one who has worked closely with the family of Isaiah Shoels. Isaiah was the Columbine High School student who was killed in part because of the color of his skin.

I must agree with Isaiah's father Michael who has stated that guns are not the issue. Hate is what pulls the trigger of violence.

We are witnesses to new age hate crimes which we must eliminate if we are to remain the greatest nation on earth.

What is a new age hate crime?

When our children leave for school without a value system which places a premium on human life—we are accessories to a new age hate crime.

Parents, when you raise your children and send them to school without a value system which teaches the difference between right and wrong; then parents, we have committed a new age hate crime.

I say to those who run our schools, when you allow children to graduate who are technologically and functionally illiterate—you have committed a new age hate crime because those children are destined to be economically tortured to death as though they had been chained and dragged behind a pick-up truck in Jasper, Texas.

Those who would run the NRA out of town need to look at our own children who are engaging in irresponsible sex and having children they cannot take care of. Such irresponsible sex is a new age hate crime—raise as much heck about that as you do the NRA and you will save more lives in 5 years than are taken with guns in a century.

If we allow the language of hate in our homes—when terms such as “nigger” are freely used then we are laying the foundation for new age hate crimes. The language of hate must be challenged.

Just before a skinhead gunned down a black man on a downtown Denver street last year he asked, “Are you ready to die, nigger?” Columbine eyewitness accounts reveal that just before Isaiah's killers fired they asked, “Where is that little nigger?” The language of hate must go.

Now I know that some of what I say here today can make some of us squirm a little bit. We are all guilty of harboring some prejudices and stereotypes. But it is when we are most uncomfortable about addressing an issue that we become so close to real problem solving.

People we can do better. I am not a hyphenated American. I am an American. That is why I know we can do better.

I find it difficult to discuss—but I have been a victim of a gun-shot wound. I know first hand the pain and fear—but that experience has not made me an opponent of the NRA or the Second Amendment.

That is why I stand before you today and ask you to join me and commit NRA resources to combat violence and hate. I am not talking a slick PR campaign, I am talking about a programmatic approach designed to combat violence and hate. I will be in touch to make this proposal a reality.

Together, we can work for a living memorial to those who perished at Columbine. But we must stand ever strong against those who

would ignore sections of the U.S. Constitution which they do not like. We are a strong democracy because the guiding principles of our Constitution and all of its amendments including the Second must be adhered to in its entirety, not selectively.

Thank you and God bless America.

Vikki, the mother of three sons and the grandmother of two, was once on welfare to support her children. She left public welfare 25 years ago when she became a clerk typist in the Secretary of State's office, the office which she eventually directed as Secretary of State. She attended Heritage Christian Center and was a board member of Project Heritage. She was a founding member and director of the Colorado Stand Up for Kids Organization, and mentored young ladies in the nonprofit organization Empowering Young Ladies for Excellence, and spoke to international women's organizations regarding bridging differences to make a stronger global community. She has worked to help homeless kids and has worked tirelessly in the cause of stopping youth and gang violence.

Vikki was twice featured in significant publications, the December 1995 Ladies Home Journal—“Against all Odds”, and Atlantic Monthly, 1996, “America's Conservative Women.” She received numerous awards including the Political Award from National Federal of Black Business Women and numerous “Breaking through the Glass Ceiling” awards.

Mr. Speaker, I thank you for giving me the opportunity to share a snapshot of Vikki Buckley's life and the contributions she has made to the state of Colorado and this Nation. Our lives have been enriched for having known Vikki.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 15, 1999 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## JULY 16

9 a.m.

## Energy and Natural Resources

To resume oversight hearings to examine damage to the national security from alleged Chinese espionage at the Department of Energy nuclear weapons laboratories.

SD-366

10 a.m.

## Judiciary

## Administrative Oversight and the Courts Subcommittee

To hold hearings on S. 253, to provide for the reorganization of the Ninth Circuit Court of Appeals; and review the report by the Commission on Structural Alternatives for the Federal Courts of Appeals regarding the Ninth Circuit.

SD-628

## JULY 20

9:30 a.m.

## Health, Education, Labor, and Pensions

To resume hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act, focusing on improving use of funds.

SD-430

## Environment and Public Works

## Fisheries, Wildlife, and Drinking Water Subcommittee

To hold hearings on the habitat conservation plans.

SD-406

## Governmental Affairs

## Investigations Subcommittee

To hold hearings to examine deceptive mailings and the need for legislation to curb the deceptive practices used in the sweepstakes, skill contests and government look-alike mailings.

SD-342

10 a.m.

## Budget

To hold hearings to review the President's budget for fiscal year 2000.

SD-608

11 a.m.

## Foreign Relations

To hold hearings on the nomination of A. Peter Burleigh, of California, to be Ambassador to the Republic of the Philippines and as Ambassador to the Re-

public of Palau; the nomination of Robert S. Gelbard, of Washington, to be Ambassador to the Republic of Indonesia; the nomination of M. Osman Siddique, of Virginia, to be Ambassador to the Republic of Fiji, and as Ambassador to the Republic of Nauru, Ambassador to the Kingdom of Tonga, and Ambassador to Tuvalu; and the nomination of Sylvia Gaye Stanfield, of Texas, to be Ambassador to Brunei Darussalam.

SD-419

2:30 p.m.

## Energy and Natural Resources

## Forests and Public Land Management Subcommittee

To hold hearings on S. 729, to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land.

SD-366

Aging

To hold hearings to examine the effects on drug switching in Medicare managed care plans.

SD-106

## JULY 21

Time to be announced

## Intelligence

To hold closed hearings on pending intelligence matters.

SH-219

9:30 a.m.

## Indian Affairs

To hold hearings on S. 985, to amend the Indian Gaming Regulatory Act.

SD-106

## Armed Services

To hold hearings on the nomination of F. Whitten Peters, of the District of Columbia, to be Secretary of the Air Force; and the nomination of Arthur L. Money, of Virginia, to be an Assistant Secretary of Defense.

SR-222

## Environment and Public Works

## Fisheries, Wildlife, and Drinking Water Subcommittee

To continue hearings on the habitat conservation plans.

SD-406

10 a.m.

## Budget

To continue hearings to review the President's budget for fiscal year 2000.

SD-608

## Judiciary

To hold hearings on combatting methamphetamine proliferation in America.

SD-628

2 p.m.

## Energy and Natural Resources

## Forests and Public Land Management Subcommittee

To hold hearings on S. 1184, to authorize the Secretary of Agriculture to dispose of land for recreation or other public purposes; S. 1129, to facilitate the acquisition of inholdings in Federal land management units and the disposal of surplus public land; and H.R. 150, to amend the Act popularly known as the Recreation and Public Purposes Act to authorize disposal of certain public lands or national forest lands to local education agencies for use for elementary or secondary schools, including public charter schools.

SD-366

## Judiciary

## Criminal Justice Oversight Subcommittee

To hold oversight hearings on Federal asset forfeiture, focusing on its role in fighting crime.

SD-628

## JULY 22

Time to be announced

## Intelligence

To hold closed hearings on pending intelligence matters.

SH-219

9:30 a.m.

## Environment and Public Works

To hold hearings on S. 835, to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs; S. 878, to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program; S. 1119, to amend the Act of August 9, 1950, to continue funding of the Coastal Wetlands Planning, Protection and Restoration Act; S. 492, to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay; S. 522, to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water; and H.R. 999, to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters.

SD-406

10 a.m.

## Foreign Relations

## Near Eastern and South Asian Affairs Subcommittee

To hold hearings on the United States' policy with Iran.

SD-419

2 p.m.

## Energy and Natural Resources

## Forests and Public Land Management Subcommittee

To hold hearings on S. 1320, to provide to the Federal land management agencies the authority and capability to manage effectively the Federal lands, focusing on Title I and Title II, and related Forest Service land management priorities.

SD-366

2:30 p.m.

## Foreign Relations

To hold hearings on the nomination of J. Brady Anderson, of South Carolina, to be Administrator of the Agency for International Development.

SD-419

## JULY 27

9:30 a.m.

## Energy and Natural Resources

To hold hearings on S. 1052, to implement further the Act (Public Law 94-241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.

SD-366

## JULY 28

9:30 a.m.

## Indian Affairs

To hold hearings on S. 979, to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes.

SR-485

2:30 p.m.

Energy and Natural Resources  
Water and Power Subcommittee

To hold hearings on S. 624, to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana; S. 1211, to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner; S. 1275, to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund; and S. 1236, to extend the dead-

line under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho.

SD-366

AUGUST 4

9:30 a.m.

Indian Affairs

To hold hearings on S. 299, to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health; and S. 406, to amend the Indian Health Care Improvement Act to make permanent the demonstration program that

allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations; followed by a business meeting to consider pending calendar business.

SR-485

SEPTEMBER 28

9:30 a.m.

Veterans Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the American Legion.

345 Cannon Building